

**Attachment B**  
**Lost Coast Brewery Discharge Permit**

8 1/31/2018



# CITY OF EUREKA

## PUBLIC WORKS DEPARTMENT

531 K Street • Eureka, California 95501-1146

### WASTEWATER DISCHARGE PERMIT NUMBER 133

Table Bluff Brewing Inc.  
d.b.a. Lost Coast Brewery  
1600 Sunset Dr.  
Eureka, CA 95501

 **COPY**

is authorized by this permit to discharge industrial wastewater through the outfalls identified herein into the City of Eureka sanitary sewer system in accordance with Eureka Municipal Code, Title 5, Chapter 50 and the conditions contained in this permit.

Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under Local, State, and Federal laws, including those that may become effective during the term of this permit.


The issuance of this permit does not obviate the need for permits or authorizations that may be required from other City of Eureka Departments, as well as from federal, state and other local agencies with jurisdiction over this activity. It is the applicant's responsibility to coordinate with all such City departments and other agencies in order to determine the need for, and obtain as may be required, permits or authorizations for the herein described activity.

The permittee shall comply with all conditions of this permit. Noncompliance with any term or condition of this permit constitutes a violation of the Eureka Municipal Code. Administrative, civil, and criminal penalties for violations of pretreatment standards and requirements are described in the Eureka Municipal Code, Title 5, Chapter 50.

This permit is not transferable without prior notification and approval from the City. The original copy of this permit shall be maintained at the above listed address. Additional copies of this permit may be obtained by contacting the Source Control Supervisor.

If the permittee wishes to continue an activity regulated by this permit after the permit expires, the permittee shall apply for a new permit at least 90 days before this permit expires. If the permittee has met the above stated application deadline and/or if the failure to reissue the permit is not due to any act or failure to act on the part of the permittee, the expired permit is effective and enforceable until the permit is reissued.

This permit shall become effective on **October 19, 2014** and shall expire on **October 18, 2019**.

Approved By:   
Justin Boyes  
Source Control Supervisor

Date: 10.16.14

#### UTILITIES OPERATIONS DIVISION

Wastewater Treatment	(707) 441-4364	Pretreatment	(707) 441-4362
Water Treatment	(707) 441-4234	Water Quality Laboratory	(707) 441-4363
FAX – Wastewater Treatment	(707) 441-4366	FAX - Water Treatment	(707) 441-4265

## **PART 1 – STANDARD REQUIREMENTS**

- A. The permittee shall maintain all pretreatment equipment in proper working condition per manufacturers' specifications.
- B. Maintenance on the pretreatment equipment shall be documented, and records retained for at least three years.
- C. Hazardous materials shall not be processed or stored in such a manner that they could be discharged to the POTW, or to a storm drain. A spill prevention kit shall be made available for employees to contain or prevent accidental discharges. Employees shall be trained on the use of the spill prevention kit.
- D. Drums or other vessels used to collect and store hazardous materials shall be sealed, labeled, and stored in a protected area.
- E. Drums or other vessels used to collect and store wastes shall be sealed, labeled, and stored in a protected area.
- F. Any additional wastes generated by the permittee which are determined to be hazardous under the California Code of Regulations, Title 22, Chapter 11, Articles 2 and 3, shall be recycled or disposed of in accordance with local, State, and Federal law.
- G. The permittee shall maintain a complete file of shipping manifests, certified lab analyses, and other information dealing with hazardous waste. These documents shall be maintained for a minimum of (3) three years at the permitted site.

## **PART 2 – SITE SPECIFIC REQUIREMENTS**

- A. The permittee is required to develop and implement an accidental discharge/slug control plan which provides, at a minimum, the following:
  - 1. Description of discharge practices including nonroutine batch discharges.
  - 2. Description of stored chemicals.
  - 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 50.020 of this chapter.
  - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- B. All acidic or basic wastewater from the cleaning in place (CIP) process shall be treated prior to discharge to the sanitary sewer.
- C. The discharge flow rate shall not exceed 270 gallons per minute.
- D. By February 2, 2015 the permittee shall maintain a spill prevention/response plan to ensure that any spills of hazardous substances do not enter the storm drain. The spill prevention/response plan shall include:

- a) Spill prevention practices
- b) Spill containment/clean up practices
- c) Spilled material disposal practices
- d) Training of employees in spill prevention/response procedures.
- e) Documentation of training for each employee.

### **PART 3 – PROHIBITED DISCHARGE STANDARDS AND LOCAL LIMITS**

- A. The permittee shall not introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference.
- B. The permittee shall not discharge the following substances to the POTW:
  - 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not but limited to, wastestreams with a closed- cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
  - 2. Any wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.
  - 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-inch or 25.4 millimeters in any dimension.
  - 4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.
  - 5. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
  - 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through, but in no case shall the discharge exceed 25 mg/L.
  - 7. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.
  - 8. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
  - 9. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's

effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

10. Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager, in compliance with applicable state or federal regulations.
11. Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager.
12. Any sludges, screenings, or other residues from the pretreatment of industrial wastes including but not limited to spent grains, or yeast.
13. Any medical wastes, except as specifically authorized in writing by the City Manager in a wastewater discharge permit.
14. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
15. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
16. Any discharge of fats, oils, or greases of animal or vegetable origin in excess of 100 mg/l.

C. The permittee shall not discharge wastewater containing in excess of the following:

1. 0.113 mg/l arsenic
2. 0.119 mg/l benzene
3. 0.044 mg/l cadmium
4. 0.023 mg/l chloroform
5. 0.692 mg/l copper
6. 0.796 mg/l cyanide
7. 0.009 mg/l 1,1 dichloroethane
8. 0.062 mg/l 1,2 dichlorobenzene
9. 0.021 mg/l 1,3 dichlorobenzene
10. 0.081 mg/l 1,4 dichlorobenzene
11. 0.070 mg/l ethylbenzene

12. 3.915 mg/l lead
13. 0.009 mg/l mercury
14. 0.049 mg/l methylene chloride
15. 0.574 mg/l nickel
16. 0.146 mg/l silver
17. 0.376 mg/l toluene
18. 1.438 mg/l total chromium
19. 0.392 mg/l total phenols
20. 0.520 mg/l total xylenes (total xylenes is defined as the sum of ortho, para, and meta xylenes)
21. 0.678 mg/l zinc

#### PART 4- DESCRIPTION OF OUTFALL(S)

- A. During the period of this permit, the permittee is authorized to discharge process wastewater to the City of Eureka sanitary sewer system from the outfall(s) listed below.

<u>Outfall</u>	<u>Description</u>
001	Sewer manhole located near the south property line.

- B. Process wastewater for this facility includes wastewater generated by brewing and bottling beer, cleaning equipment, boiler blow-down, and non-contact cooling water.

#### PART 5-INSPECTION AND MONITORING REQUIREMENTS

- A. Inspections  
The City of Eureka shall perform inspections of the permitted business location, at the expense of the permittee. Inspections may be unannounced.
- B. Pretreatment Section Monitoring  
During the period of this permit the **City of Eureka** shall, at the expense of the permittee, monitor for pollutants expected to be present, including but not limited to the parameters below. This Pretreatment Section monitoring may be unannounced.

Sample Parameter	Sample Location	Discharge Limit
Biochemical Oxygen Demand (BOD)	Outfall 001	No limit
Chemical Oxygen Demand (COD)	Outfall 001	No limit
pH	Outfall 001	5.0 to 12.5 std. units
Total Suspended Solids (TSS)	Outfall 001	No limit

- C. Self Monitoring  
During the period of this permit the **permittee** shall monitor collect self monitoring samples upon verbal or written request from the City:
- D. Sample Handling and Preservation  
Sample collection shall be documented on proper chain of custody paperwork. Chain of custody forms are typically supplied by the state certified environmental laboratory of your choice. All handling and preservation of collected samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in this permit.
- E. Sample Analysis  
All analyses required in Part 2 of this permit shall be performed by a California State Certified Environmental Laboratory at the expense of the permittee. The permittee shall obtain proper sampling containers, typically provided by the laboratory. The permittee shall also arrange to pay the analysis costs for any samples submitted to the laboratory from either the permittee or the City of Eureka.
- F. Frequency Definitions
1. Annual: Once during the calendar year
  2. Semi-Annual: Twice during the calendar year.  
The first event shall be between January 1 and June 30.  
The second event shall be between July 1 and December 31.  
The events shall be at least 30 days apart.
  3. Quarterly: Four times during the calendar year.  
The first event shall be between January 1 and March 31.  
The second event shall be between April 1 and June 30.  
The third event shall be between July 1 and September 30.  
The fourth event shall be between October 1 and December 31.  
The events shall be at least 30 days apart.
  4. Monthly: Twelve times during the calendar year. Once during each calendar month.

## PART 6 - REPORTING REQUIREMENTS

- A. Self Monitoring Reports  
Self Monitoring reports shall be submitted no later than 30 days after the day the sample was collected. The report shall indicate the name and concentration of pollutants in the sample for the analyses performed. It is the responsibility of the permittee to notify the analytical laboratory to send copies of all analytical reports and chain of custody documents to the City of Eureka.
- B. Additional Monitoring  
If the permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be submitted to the City of Eureka.
- C. Spill (Accidental Discharge) Reporting  
Immediate notification allows the City of Eureka to take steps to protect its workers, the public, the wastewater treatment plant, and the environment during an accidental spill

situation.

1. When and How to Notify the City  
The permittee shall notify the City of Eureka Pretreatment Division immediately upon the occurrence of an accidental discharge (spill, slug load, or process upset) that may enter the public sewer. The Source Control Supervisor shall be notified by telephone at (707) 441-4362 between the hours of 8:00 am to 4:30 pm, Monday through Friday. At all other times, the Source Control Supervisor or Utilities Operations Manager shall be notified by contacting the City at (707) 441-4054.
2. Required Information  
The notification shall include location, date, and time of discharge; type of waste; concentration and volume of waste; and any corrective actions that were taken. The permittee's notification of accidental releases to the City does not relieve it of other reporting requirements that arise under Local, State, or Federal laws.
3. Written Report  
Within five working days following an accidental discharge, the permittee shall submit to the City of Eureka a detailed written report specifying the following information:
  - a. Description of the cause of the accidental discharge; the location, date, and time of discharge; type of waste; concentration and volume of waste; any corrective actions that were taken; and whether the accidental discharge caused the permittee to be in non-compliance with this permit. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur. All steps taken or to be taken to reduce, eliminate, and/or prevent the recurrence of such an accidental discharge.

#### D. Bypass Notification

1. Bypass Definition  
Bypass means the intentional diversion of waste streams from any portion of the permittees treatment facility. Bypass is prohibited, and the City may take enforcement action against the permittee for a bypass, unless;
  - ~~a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;~~
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime, and the permittee submitted notices as required under of this section. (This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.)
  - c. The permittee may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient



operation, and the permittee submitted notice as required under this section.

2. When and How to Notify the City

a. Planned Bypass

If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the City of Eureka, at least ten days before the date of the bypass.

b. Unplanned Bypass

The permittee shall submit oral notice of an unanticipated bypass to the City of Eureka within 24 hours from the time the permittee becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the bypass.

3. Written Report

The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City of Eureka may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

E. Reporting Submittal.

1. All reports required by this permit must contain the following certification statement and be signed by an authorized representative of the industrial user.

- a. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Where the City of Eureka performs the required sampling and analysis in lieu of the permittee, the permittee is not be required to submit the above compliance certification statement.

3. All reports required by this permit shall be submitted to:

City of Eureka,  
Source Control Supervisor  
4301 Hilfiger Ln.  
Eureka CA  
95503.

## **PART 7 - RECORD KEEPING**

### **A. Retention of Records**

1. The permittee shall retain at a minimum the following records:
  - a. This permit.
  - b. All correspondence which modifies or addends this permit.
  - c. All records of monitoring, sampling, and pretreatment equipment maintenance.
  - d. Copies of all reports required by this permit.
  - e. Copies of all data used to complete the application for this permit.
2. All records shall be retained for at least three years. This period may be extended by the City of Eureka at any time.
3. All records that pertain to matters which are the subject of any enforcement or litigation activities brought by the City of Eureka shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

### **B. Sampling and analysis records shall include:**

1. Chain of Custody  
The sample chain of custody shall include the sample date, time, location, sampling procedure, type of sample container, sample preservation, and name of person(s) who collected the sample.
2. Analytical Report  
The analytical report shall include the name of the person or laboratory who performed the analyses, date of analysis, analytical methods used, the results of such analyses, and any applicable quality control information.

### **C. Falsifying Information**

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

## **PART 8 - AUTOMATIC RE-SAMPLING**

- A. If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, and the permittee collected the sample. The permittee shall:
  1. Inform the City of the violation within 24 hours of receipt of analytical results.
  2. Repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 calendar days after becoming aware of the violation.
- B. If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, and the City of Eureka collected the sample. The permittee shall:
  1. Inform the City of the violation within 24 hours of receipt of analytical results.

2. Repeat the sampling and analysis upon request from the City. The results of the repeat analysis shall be submitted to the City within 30 calendar days after the permittee has become aware of the violation.

#### **PART 9 – FEES**

- A. The City of Eureka assesses fees in accordance with Eureka Municipal Code, Title 5, Chapter 50, to recover the cost of administering the Pretreatment Program. Typical fees include but are not limited to:
  1. Initial permit and pre-permit inspection fees.
  2. Permit Renewal fees.
  3. Administration of one Industrial User's Pretreatment Requirements, including inspections, sampling, and correspondence.

#### **PART 10 – APPLICABLE PENALTIES**

- A. Publication of Industrial Users in Significant Noncompliance  
Pursuant to section 50.122 of the EMC the City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users, which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

- B. Administrative Fines

Pursuant to section 50.123 D of the EMC the City of Eureka may assess administrative fines against the permittee. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the permittee. Fines may be imposed for violations of:

1. Chapter 50 of the EMC
2. Wastewater Discharge Permits and orders issued hereunder
3. Any pretreatment standard or requirement.

- C. Civil Penalties

1. If the permittee violates or continues to violate the EMC, any order, this wastewater discharge permit, or any other pretreatment standard or requirement the permittee shall be liable to the city for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
3. When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the city may assess a charge against the user for the cost of the work required to clean or repair the POTW and add such charge to the user's service charge.

4. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

D. Remedies Nonexclusive

The provisions of the EMC are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

E. Criminal Penalties

1. If the permittee violates or continues to violate the EMC, any order, this wastewater discharge permit, or any other pretreatment standard or requirement the permittee shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.
2. If the permittee willfully or negligently introduces any substance into the POTW which causes personal injury or property damage the permittee shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
3. If the permittee knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter the permittee shall, upon conviction, be punished by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.
4. In the event of a second conviction, the permittee shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both.

**Attachment C**  
**Mission Linen Supply Discharger Information**

**Attachment C-1**  
**Mission Linen Supply Discharge Permit**




# CITY OF EUREKA

## PUBLIC WORKS DEPARTMENT

531 K Street • Eureka, California 95501-1146

### WASTEWATER DISCHARGE PERMIT NUMBER 07

Mission Linen Supply  
1401 Summer St.  
Eureka, CA 95501

 **COPY**

is authorized by this permit to discharge industrial wastewater through the outfalls identified herein into the City of Eureka sanitary sewer system in accordance with Eureka Municipal Code, Title 5, Chapter 50 and the conditions contained in this permit.

Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under Local, State, and Federal laws, including those that may become effective during the term of this permit.

The issuance of this permit does not obviate the need for permits or authorizations that may be required from other City of Eureka Departments, as well as from federal, state and other local agencies with jurisdiction over this activity. It is the applicant's responsibility to coordinate with all such City departments and other agencies in order to determine the need for, and obtain as may be required, permits or authorizations for the herein described activity.

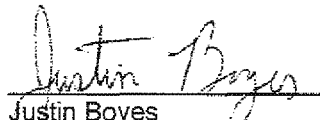
The permittee shall comply with all conditions of this permit. Noncompliance with any term or condition of this permit constitutes a violation of the Eureka Municipal Code. Administrative, civil, and criminal penalties for violations of pretreatment standards and requirements are described in the Eureka Municipal Code, Title 5, Chapter 50.

This permit is not transferable without prior notification and approval from the City. The original copy of this permit shall be maintained at the above listed address. Additional copies of this permit may be obtained by contacting the Source Control Supervisor.

If the permittee wishes to continue an activity regulated by this permit after the permit expires, the permittee shall apply for a new permit at least 90 days before this permit expires. If the permittee has met the above stated application deadline and/or if the failure to reissue the permit is not due to any act or failure to act on the part of the permittee, the expired permit is effective and enforceable until the permit is reissued.

This permit shall become effective on **November 7, 2014** and shall expire on **November 6, 2019**.

Approved By:

  
Justin Boyes  
Source Control Supervisor

Date:

11.4.14

#### UTILITIES OPERATIONS DIVISION

Wastewater Treatment  
Water Treatment  
FAX - Wastewater Treatment

(707) 441-4364  
(707) 441-4234  
(707) 441-4366

Pretreatment  
Water Quality Laboratory  
FAX - Water Treatment

(707) 441-4362  
(707) 441-4363  
(707) 441-4265

**PART 1 – SITE SPECIFIC REQUIREMENTS**

- A. The permittee shall maintain all pretreatment equipment in proper working condition per the manufacturers' specifications.
- B. The permittee shall generate a preventative maintenance schedule for the Ellis Corporation Model OWS-200 oil water separator based at a minimum on the manufacturers' specifications. The permittee shall provide the City with a copy of the preventative maintenance schedule by January 30, 2015.
- C. All maintenance on the pretreatment equipment shall be documented, and all records retained for at least three years.
- D. The permittee shall maintain a complete file of all, shipping manifests, certified lab analyses, and all other information dealing with hazardous waste. These documents shall be maintained for a minimum of (3) three years at the permitted site.
- E. The permittee shall remove or double-contain any hazardous materials, stored near drains, in a manner which will ensure that accidental spills or leaks will not enter the storm drain or sanitary sewer. A spill prevention kit shall be made available for employees to contain or prevent accidental discharges to the sanitary sewer. Employees shall be trained on the use of the spill prevention kit.
- F. Drums or other vessels used to collect and store wastes shall be sealed, labeled, and stored in a protected area.
- G. Any additional wastes generated by the permittee which are determined to be hazardous under the California Administrative Code, Title 22, Chapter 11, Articles 2 and 3, shall be recycled or disposed of in accordance with local, State, and Federal law.
- H. Dilution as a form of treatment is expressly prohibited. (EMC, Title V, Chapter 50, Section 50.025)
- I. All process wastewater shall pass through a solids separator sump, a flow equalization tank and an Ellis Corporation Model OWS-200 oil water separator prior to discharge to the sanitary sewer. Any bypass of the pretreatment system shall be done in accordance with the bypass provisions specified in this permit.
- J. The permittee is required to develop and implement an accidental discharge/slug control plan which provides, at a minimum, the following:
  - 1. Description of discharge practices including non-routine batch discharges.
  - 2. Description of stored chemicals.
  - 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 50.020 of the Eureka Municipal Code.
  - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment



structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

## **PART 2 – PROHIBITED DISCHARGE STANDARDS AND LOCAL LIMITS**

- A. The permittee shall not introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference.
- B. The permittee shall not discharge the following substances to the POTW:
1. Pollutants which create a fire or explosive hazard in the POTW, including, but not but limited to, wastestreams with a closed - cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
  2. Any wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.
  3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-inch or 25.4 millimeters in any dimension.
  4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.
  5. Any wastewater having a temperature greater than 150° F (65.5° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
  6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through. At no time shall the discharge exceed 25 mg/L.
  7. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.
  8. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
  9. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

10. Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager, in compliance with applicable state or federal regulations.
  11. Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager.
  12. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
  13. Any medical wastes, except as specifically authorized in writing by the City Manager in a wastewater discharge permit.
  14. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
  15. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
  16. Any discharge of fats, oils, or greases of animal or vegetable origin in excess of 100 mg/l.
- C. The permittee shall not discharge wastewater containing in excess of the following:
1. 0.113 mg/l arsenic
  2. 0.119 mg/l benzene
  3. 0.044 mg/l cadmium
  4. 0.023 mg/l chloroform
  5. 0.692 mg/l copper
  6. 0.796 mg/l cyanide
  7. 0.009 mg/l 1,1 dichloroethane
  8. 0.062 mg/l 1,2 dichlorobenzene
  9. 0.021 mg/l 1,3 dichlorobenzene
  10. 0.081 mg/l 1,4 dichlorobenzene
  11. 0.070 mg/l ethylbenzene
  12. 3.915 mg/l lead
  13. 0.009 mg/l mercury

14. 0.049 mg/l methylene chloride
15. 0.574 mg/l nickel
16. 0.146 mg/l silver
17. 0.376 mg/l toluene
18. 1.438 mg/l total chromium
19. 0.392 mg/l total phenols
20. 0.520 mg/l total xylenes (total xylenes is defined as the sum of ortho, para, and meta xylenes)
21. 0.678 mg/l zinc

### PART 3- DESCRIPTION OF OUTFALL(S)

- A. During the period of this permit, the permittee is authorized to discharge process wastewater to the City of Eureka sanitary sewer system from the outfall(s) listed below.

<u>Outfall</u>	<u>Description</u>
001	Discharge is through a separate area of the solids separator sump located on the Northwest Corner of the Building on the Summer Street side.
002	Boiler blow down from boiler room in basement

- B. Process wastewater for this facility is defined as industrial laundry wastewater. Typical items washed at the facility include shop rags, mops, floor mats and rugs, uniforms, linens, and personal towels. No dry cleaning activities are performed on site.

### PART 4-INSPECTION AND MONITORING REQUIREMENTS

- A. Inspections  
The City of Eureka shall perform inspections of the permitted business location, at the expense of the permittee. Inspections may be unannounced.
- B. Pretreatment Section Monitoring  
During the period of this permit the **City of Eureka** shall, at the expense of the permittee, monitor for the following parameters at the location indicated below. This Pretreatment Section monitoring may be unannounced.

Sample Parameter	Sample Location	Discharge Limit
Benzene	Outfall 001	119 ug/L
Ethyl benzene	Outfall 001	70 ug/L
Toluene	Outfall 001	376 ug/L
Total Xylenes	Outfall 001	520 ug/L
Chloroform	Outfall 001	23 ug/L
Biochemical Oxygen Demand (BOD)	Outfall 001	No limit
Chemical Oxygen Demand (COD)	Outfall 001	No limit

Sample Parameter	Sample Location	Discharge Limit
pH	Outfall 001	5.0-12.5 std. units
Total Suspended Solids (TSS)	Outfall 001	No limit
Total Petroleum Hydrocarbons (TPH)	Outfall 001	25 mg/L
Cadmium	Outfall 001	44 ug/L
Chromium	Outfall 001	1438 ug/L
Copper	Outfall 001	692 ug/L
Lead	Outfall 001	3915 ug/L
Nickel	Outfall 001	574 ug/L
Zinc	Outfall 001	678 ug/L

C. Self Monitoring

The permittee is required to collect self monitoring samples upon verbal or written request from the City.

D. Sample Handling and Preservation

Sample collection shall be documented on proper chain of custody paperwork. Chain of custody forms are typically supplied by the state certified environmental laboratory of your choice. All handling and preservation of collected samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in this permit.

E. Sample Analysis

All analyses required in Part 2 of this permit shall be performed by a California State Certified Environmental Laboratory at the expense of the permittee. The permittee shall obtain proper sampling containers, typically provided by the laboratory. The permittee shall also arrange to pay the analysis costs for any samples submitted to the laboratory from either the permittee or the City of Eureka.

F. Frequency Definitions

1. Annual: Once during the calendar year
2. Semi-Annual: Twice during the calendar year.  
The first event shall be between January 1 and June 30.  
The second event shall be between July 1 and December 31.  
The events shall be at least 30 days apart.
3. Quarterly: Four times during the calendar year.  
The first event shall be between January 1 and March 31.  
The second event shall be between April 1 and June 30.  
The third event shall be between July 1 and September 30.  
The fourth event shall be between October 1 and December 31.  
The events shall be at least 30 days apart.
4. Monthly: Twelve times during the calendar year. Once during each calendar month.

## PART 5 - REPORTING REQUIREMENTS

### A. Self Monitoring Reports

Self Monitoring reports shall be submitted no later than 30 days after the day the sample was collected. The report shall indicate the name and concentration of pollutants in the sample for the analyses performed. It is the responsibility of the permittee to notify the analytical laboratory to send copies of all analytical reports and chain of custody documents to the City of Eureka.

### B. Additional Monitoring

If the permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be submitted to the City of Eureka.

### C. Spill (Accidental Discharge) Reporting

Immediate notification allows the City of Eureka to take steps to protect its workers, the public, the wastewater treatment plant, and the environment during an accidental spill situation.

#### 1. When and How to Notify the City

The permittee shall notify the City of Eureka Pretreatment Division immediately upon the occurrence of an accidental discharge (spill, slug load, or process upset) that may enter the public sewer. The Source Control Supervisor shall be notified by telephone at (707) 441-4362 between the hours of 8:00 am to 4:30 pm, Monday through Friday. At all other times, the Source Control Supervisor or Utilities Operations Manager shall be notified by contacting the City at (707) 441-4054.

#### 2. Required Information

The notification shall include location, date, and time of discharge; type of waste; concentration and volume of waste; and any corrective actions that were taken. The permittee's notification of accidental releases to the City does not relieve it of other reporting requirements that arise under Local, State, or Federal laws.

#### 3. Written Report

Within five working days following an accidental discharge, the permittee shall submit to the City of Eureka a detailed written report specifying the following information:

- a. Description of the cause of the accidental discharge; the location, date, and time of discharge; type of waste; concentration and volume of waste; any corrective actions that were taken; and whether the accidental discharge caused the permittee to be in non-compliance with this permit. Duration of noncompliance, including exact dates and times of noncompliance and, if the Non-compliance is continuing, the time by which compliance is reasonably expected to occur. All steps taken or to be taken to prevent the recurrence of such an accidental discharge.

### D. Bypass Notification

#### 1. Bypass Definition

Bypass means the intentional diversion of waste streams from any portion of the permittees treatment facility. Bypass is prohibited, and the City may take enforcement action against the permittee for a bypass, unless;

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime, and the permittee submitted notices as required under of this section. (This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.)
- c. The permittee may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation, and the permittee submitted notice as required under this section.

2. When and How to Notify the City

- a. Planned Bypass  
If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the City of Eureka, at least ten days before the date of the bypass.
- b. Unplanned Bypass  
The permittee shall submit oral notice of an unanticipated bypass to the City of Eureka within 24 hours from the time the permittee becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the bypass.

3. Written Report

The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City of Eureka may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

E. Reporting Submittal.

- 1. All reports required by this permit must contain the following certification statement and be signed by an authorized representative of the industrial user.
  - a. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Where the City of Eureka performs the required sampling and analysis in lieu of the permittee, the permittee is not be required to submit the above compliance certification statement.
3. All reports required by this permit shall be submitted to:

City of Eureka,  
Source Control Supervisor  
4301 Hilfiker Ln.  
Eureka CA  
95503.

## **PART 6 - RECORD KEEPING**

### **A. Retention of Records**

1. The permittee shall retain at a minimum the following records:
  - a. This permit.
  - b. All correspondence which modifies or addends this permit.
  - c. All records of monitoring, sampling, and pretreatment equipment maintenance.
  - d. Copies of all reports required by this permit.
  - e. Copies of all data used to complete the application for this permit.
2. All records shall be retained for at least three years. This period may be extended by the City of Eureka at any time.
3. All records that pertain to matters which are the subject of any enforcement or litigation activities brought by the City of Eureka shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

### **B. Sampling and analysis records shall include:**

1. Chain of Custody  
The sample chain of custody shall include the sample date, time, location, sampling procedure, type of sample container, sample preservation, and name of person(s) who collected the sample.
2. Analytical Report  
The analytical report shall include the name of the person or laboratory who performed the analyses, date of analysis, analytical methods used, the results of such analyses, and any applicable quality control information.

### **C. Falsifying Information**

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

#### **PART 7 - AUTOMATIC RE-SAMPLING**

- A. If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, and the permittee collected the sample. The permittee shall:
  - 1. Inform the City of the violation within 24 hours of receipt of analytical results.
  - 2. Repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 calendar days after becoming aware of the violation.
- B. If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, and the City of Eureka collected the sample. The permittee shall:
  - 1. Inform the City of the violation within 24 hours of receipt of analytical results.
  - 2. Repeat the sampling and analysis upon request from the City. The results of the repeat analysis shall be submitted to the City within 30 calendar days after the permittee has become aware of the violation.

#### **PART 8 – FEES**

- A. The City of Eureka assesses fees in accordance with Eureka Municipal Code, Title 5, Chapter 50, to recover the cost of administering the Pretreatment Program. Typical fees include but are not limited to:
  - 1. Initial permit and pre-permit inspection fees.
  - 2. Permit Renewal fees.
  - 3. Administration of one Industrial User's Pretreatment Requirements, including inspections, sampling, and correspondence.

#### **PART 9 – APPLICABLE PENALTIES**

- A. Publication of Industrial Users in Significant Noncompliance  
Pursuant to section 50.122 of the EMC the City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users, which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

- B. Administrative Fines

Pursuant to section 50.123 D of the EMC the City of Eureka may assess administrative fines against the permittee. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the permittee. Fines may be imposed for violations of:

- 1. Chapter 50 of the EMC
- 2. Wastewater Discharge Permits and orders issued hereunder
- 3. Any pretreatment standard or requirement.



C. Civil Penalties

1. If the permittee violates or continues to violate the EMC, any order, this wastewater discharge permit, or any other pretreatment standard or requirement the permittee shall be liable to the city for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
3. When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the city may assess a charge against the user for the cost of the work required to clean or repair the POTW and add such charge to the user's service charge.
4. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

D. Remedies Nonexclusive

The provisions of the EMC are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

E. Criminal Penalties

1. If the permittee violates or continues to violate the EMC, any order, this wastewater discharge permit, or any other pretreatment standard or requirement the permittee shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.
2. If the permittee willfully or negligently introduces any substance into the POTW which causes personal injury or property damage the permittee shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
3. If the permittee knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter the permittee shall, upon conviction, be punished by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.
4. In the event of a second conviction, the permittee shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both.



**Attachment C-2**

**Mission Linen Supply March 2016 Administrative Order and May  
2017 NOV**



## CITY OF EUREKA

531 K Street

## PUBLIC WORKS DEPARTMENT

Eureka, California 95501-1146

March 3, 2016

Certified Mail #

IN THE MATTER OF:  
MISSION LINEN SUPPLY  
1401 SUMMER ST.  
EUREKA, CA 95501

### ADMINISTRATIVE COMPLIANCE ORDER

#### LEGAL AUTHORITY

The following Findings are made an order issued pursuant to the authority vested in the City of Eureka City Manager under the City of Eureka Municipal Code (**EMC**) Title 5, Chapter 50, Sewers. This Order is based on findings of violation of the conditions of the Wastewater Discharge Permit issued to Mission Linen Supply under Section **50.051** of the City's Municipal Code.

#### FINDINGS

1. The City of Eureka owns and operates a Publicly Owned Treatment Works which could be adversely impacted by discharges from Mission Linen Supply, and other industrial users, and has implemented a pretreatment program to control such discharges.
2. Under this pretreatment program, Mission Linen Supply was issued Wastewater Discharge Permit Number 07 on November 7, 2014 that contains prohibitions, restrictions, limitations and self monitoring requirements related to the discharge of wastewater to the sanitary sewer.
3. Pursuant to the EMC and the above-referenced permit, data on the compliance status of Mission Linen Supply is routinely collected by the City of Eureka pretreatment division.
4. The data detailed below shows that Mission Linen Supply has violated EMC Section **50.020 (B) (6)** and Wastewater Discharge Permit Number 07 in the following manner:

Sample Location	Sample Parameter	Date of Sample Collection	Analytical Results	Discharge Limitation
Outfall 001	Total Petroleum	3/19/15	35 mg/L	25 mg/L
	Hydrocarbons	10/20/15	66 mg/L	
		12/17/15	62 mg/L	
		2/11/16	77 mg/L	

Table 1: EPA 1664 HEM-SGW analysis of listed samples taken from Mission Linen Supply Outfall 001.

# ORDER

**BASED ON THE ABOVE FINDINGS AND UNDER THE AUTHORITY OF SECTION 50.020 B OF THE EMC, IT IS HEREBY ORDERED, BY THE CITY OF EUREKA:**

1. That Mission Linen Supply shall effectively remove the petroleum contaminants (TPH) from the effluent wastewater at 1401 Summer St., Eureka, CA 95501 to a level that will comply with the Eureka Municipal Code and Wastewater Discharge Permit No. 7.
2. At a minimum:
  - a. Mission Linen Supply shall correct the continuing discharge limit violations, which may include or require replacing the current pretreatment devices and obtaining a City of Eureka Building Permit.
  - b. Mission Linen Supply shall submit plans to the City of Eureka Source Control Department outlining the upgrade or installation of new pretreatment equipment capable of removing TPH contaminants consistently below the Discharge Limit of 25mg/L.
  - c. Any upgrades or new pretreatment equipment installed shall be inspected and tested continuously by the City of Eureka Source Control Department to verify compliance. If it is determined that the discharge limit violations are still consistently occurring at this location, additional or higher efficiency equipment shall be required until the limit is met.
  - d. If compliance with the Discharge Limits outlined in Wastewater Discharge Permit No. 07 are not met by **September 1<sup>st</sup>, 2016**, Fines may accrue daily and the revocation action of Wastewater Discharge Permit No. 07 may be submitted to council.
3. To ensure that the required work is completed in a timely manner, the following milestones shall be met:
  - a. By **April 15<sup>th</sup>, 2016**: Submit plans to the City of Eureka Source Control Department outlining the installation of higher efficiency, or additional pretreatment equipment capable of successfully removing the TPH pollutants below 25 mg/L.
  - b. By **May 15<sup>th</sup>, 2016**: Upon approval from the Source Control Department, prepare and submit the plans and specifications referenced above to the City Building Department for review and permit.
  - c. By **September 1<sup>st</sup>, 2016** the required work shall be complete.
4. In the event Mission Linen Supply fails to comply with any of the deadlines set forth, Mission Linen Supply shall, at least five (5) working days before the expiration of the deadline, deliver to the City a written request to extend the deadline, with reasons and any available evidence to support the reasons; the additional amount of time needed to complete the remaining work; and the steps to be taken to avoid future delays. The submission of the request does not automatically extend the deadline. The extension of

time will be granted only for good cause, and at the reasonable discretion of the City. This notification in no way excuses Mission Linen Supply from its responsibility to meet any later milestones required by this Compliance Order.

5. Compliance with the terms and conditions of this Compliance Order shall not be construed to relieve Mission Linen Supply of its obligation to comply with Chapter 50 of the EMC. The City reserves the right to seek any and all remedies available to it under Chapter 50 of the EMC for any violation cited by this order. Violation of this Compliance Order shall constitute a further violation of the EMC and subjects Mission Linen Supply to all penalties described in Chapter 50 of the EMC.
6. Nothing in this Compliance Order shall be construed to limit the authority of the City to issue any other orders, or take any other action which it deems necessary to protect the wastewater treatment plant, the environment, or the public health and safety.
7. Completion of the required work does not relieve Mission Linen Supply of its responsibility to properly clean and maintain its pretreatment system. The installation of additional equipment or devices may be required per section **1014.1.2** of the 2007 Uniform Plumbing Code if it is determined that the pretreatment system is not being adequately cleaned or maintained.

Please contact me at (707) 441-4362 or fax at (707) 441-4366 if you have any questions or comments.

Sincerely,

Marty Felperin  
Source Control Inspector  
4301 Hilfiker Ln.  
Eureka, CA  
95503

cc: Mr. Dan Duncan, Deputy Director of Public Works, Utilities Operation



## CITY OF EUREKA

PUBLIC WORKS DEPARTMENT

531 K Street • Eureka, California 95501-1146

May 30, 2017

Mr. Walter Rowley  
Mission Linen Supply  
1401 Summer St.  
Eureka, CA 95501

### RE: NOTICE OF VIOLATION

Dear Mr. Rowley:

Enclosed is a Notice of Violation regarding Wastewater Discharge Permit # 07. Please be advised that to avoid administrative penalties including, but not limited to fines, you must fully comply with all terms stated in the Notice.

In addition, a Compliance Order was issued in March 2016 along with another of many Notice of Violations. Milestones contained within this Order specified a timeline by which certain minimum requirements must be met. These dates have passed and no definitive proposal or action has been expressed. An e-mail dated June 24, 2016 seems to be the last correspondence from Mark Saposnik to Clay Yerby regarding this matter. It indicates that two options had been determined for possible compliance. One is to remove the processing of shop towels from the Eureka location. The other was for some form of batch treatment from the pony washers. Please address this matter in your response as well.

As expressed in the Automatic Re-sampling section of your permit, more samples will be taken for the pollutants of concern and will be used to continue compliance monitoring as well as determine if Mission Linen meets the criteria to be considered in Significant Noncompliance as defined in the Code of Federal Regulations.

Your cooperation in resolving these matters is greatly appreciated. Please contact me at 441-4362 if you have any questions or concerns regarding the Notice.

Sincerely,

David Adams  
Source Control Inspector

Cc: Mr. Mark Saposnik, Environmental Compliance Engineer, Mission Linen Supply

#### UTILITIES OPERATIONS DIVISION

Wastewater Treatment	(707) 441-4364	Pretreatment	(707) 441-4362
Water Treatment	(707) 441-4234	Water Quality Laboratory	(707) 441-4363
FAX - Wastewater Treatment	(707) 441-4366	FAX - Water Treatment	(707) 441-4265

# MISSION LINEN SUPPLY NOTICE OF VIOLATION

5/30/17

## LEGAL AUTHORITY

The following Findings are made and Order issued pursuant to the authority vested in the City of Eureka City Manager under the City of Eureka Municipal Code (EMC) Title 5, Chapter 50, Sewers. This Order is based on findings of violation of the conditions of the Wastewater Discharge Permit issued under Section 50.051 of the City's Municipal Code.

## FINDINGS

The City of Eureka owns and operates a Publicly Owned Treatment Works which could be adversely impacted by discharges from Mission Linen Supply, and other industrial users, and has implemented a pretreatment program to control such discharges.

Under this pretreatment program Mission Linen Supply was issued Wastewater Discharge Permit Number 07 on November 7, 2014 that contains prohibitions, restrictions, limitations and self-monitoring requirements related to the discharge of wastewater to the sanitary sewer.

Pursuant to the EMC and the above-referenced permit, data on the compliance status of Mission Linen Supply is collected by the City of Eureka.

This data shows that Mission Linen Supply has violated EMC Sections 50.020 and 50.022 (A) and Wastewater Discharge Permit Number 07 in the following manner:

Sample Location	Parameter	Date of Sample Collection	Analytical Results	Discharge Limitation
Outfall 001	Total Petroleum Hydrocarbons	4/19/17	64 mg/L	25 mg/L
Outfall 001	Oil and Grease	4/19/17	290 mg/L	100 mg/L
Outfall 001	Zinc	4/19/17	740 ug/L	678 ug/L

## MISSION LINEN SUPPLY IS HEREBY NOTIFIED THAT:

1. It is in violation of Wastewater Discharge Permit Number 07 and the Sewer Use Ordinance of the City of Eureka.
2. It is required to **notify this office in writing** within seven (7) working days of receipt of this Notice of the reason for the wastewater discharge violation, the action to be taken to correct the non-compliance violation, and the date the corrective action has been or will be implemented.



**MISSION LINEN SUPPLY  
NOTICE OF VIOLATION**

**5/30/17**

3. Failure to respond within the time frames indicated will constitute a further violation of the Sewer Use Ordinance and may subject Mission Linen Supply to administrative penalties including but not limited to fines.
4. This notice is effective upon receipt by Mission Linen Supply.
5. Correspondence regarding this notice shall be sent to:

**David Adams  
Source Control Inspector  
City of Eureka  
4301 Hilfiker Ln.  
Eureka, CA 95503**

**Attachment C-3**

**Mission Linen Supply Waste Water System Preventative  
Maintenance Schedule**



## Weekly

## MONTHLY

Wash Channel

ont Sump

### Shaker Screen

### Final Tank

Press Studge

### Sludge Removal

### Pump Sludge

**Clean OWS**

## Clean Packs

Initials

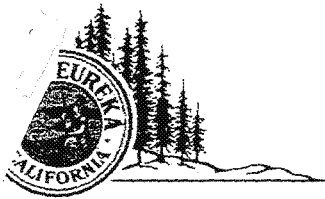
Date \_\_\_\_\_

### Comment

[illegible]

**Attachment D**  
**Pacific Choice Seafood Discharger Information**

**Attachment D-1**  
**Pacific Choice Seafood Discharge Permit**



# CITY OF EUREKA

PUBLIC WORKS DEPARTMENT

531 K Street • Eureka, California 95501-1146

**COPY**

## WASTEWATER DISCHARGE PERMIT NUMBER 37

Pacific Choice Seafood Company  
#1 Commercial Street  
Eureka, CA 95501

is authorized by this permit to discharge industrial wastewater through the outfalls identified herein into the City of Eureka sanitary sewer system in accordance with Eureka Municipal Code, Title 5, Chapter 50 and the conditions contained in this permit.

Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under Local, State, and Federal laws, including those that may become effective during the term of this permit.

The issuance of this permit does not obviate the need for permits or authorizations that may be required from other City of Eureka Departments, as well as from federal, state and other local agencies with jurisdiction over this activity. It is the applicant's responsibility to coordinate with all such City departments and other agencies in order to determine the need for, and obtain as may be required, permits or authorizations for the herein described activity.

The permittee shall comply with all conditions of this permit. Noncompliance with any term or condition of this permit constitutes a violation of the Eureka Municipal Code. Administrative, civil, and criminal penalties for violations of pretreatment standards and requirements are described in the Eureka Municipal Code, Title 5, Chapter 50.

This permit is not transferable without prior notification and approval from the City. The original copy of this permit shall be maintained at the above listed address. Additional copies of this permit may be obtained by contacting the Source Control Supervisor.

If the permittee wishes to continue an activity regulated by this permit after the permit expires, the permittee shall apply for a new permit at least 90 days before this permit expires. If the permittee has met the above stated application deadline and/or if the failure to reissue the permit is not due to any act or failure to act on the part of the permittee, the expired permit is effective and enforceable until the permit is reissued.

This permit shall become effective on **10/3/14** and shall expire on **9/30/19**.

Approved By:

*Justin Boyes*  
Justin Boyes  
Source Control Supervisor

Date:

*10.3.14*

### UTILITIES OPERATIONS DIVISION

Wastewater Treatment

(707) 441-4364

Pretreatment

(707) 441-4362

Water Treatment

(707) 441-4234

Water Quality Laboratory

(707) 441-4363

FAX - Wastewater Treatment

(707) 441-4366

FAX - Water Treatment

(707) 441-4265

## PART 1 – SITE SPECIFIC REQUIREMENTS

- A. The permittee shall maintain all pretreatment equipment in proper working condition per manufacturers' specifications.
- B. The permittee shall maintain a complete file of information dealing with hazardous waste including shipping manifests and certified lab analyses. These documents shall be maintained for a minimum of (3) three years at the permitted site.
- C. The permittee shall remove or double-contain any hazardous materials, stored near drains, in a manner which will ensure that accidental spills or leaks will not enter the storm drain or sanitary sewer. A spill prevention kit shall be made available for employees to contain or prevent accidental discharges to the sanitary sewer. Employees shall be trained on the use of the spill prevention kit.
- D. Drums or other vessels used to collect and store hazardous materials shall be sealed, labeled, and stored in a protected area.
- E. Drums or other vessels used to collect and store wastes shall be sealed, labeled, and stored in a protected area.
- F. Any wastes generated by the permittee which are determined to be hazardous under the California Administrative Code, Title 22, Chapter 11, Articles 2 and 3, shall be recycled or disposed of in accordance with Local, State, and Federal law.
- I. In the event of an ammonia leak, ammonia shall not be allowed to enter the sanitary sewer system as a means of disposal. Any spill that does enter the sanitary sewer system must be immediately stopped, contained, and reported to the City of Eureka.
- K. Operational controls, such as floor drain grates and P-trap covers, shall be used to prevent carcasses, fish skins, and any other solid debris greater than one inch in any dimension from entering the sanitary sewer.
- L. The Dissolved Air Floatation Thickener (DAFT) System must be in use at all times that shrimp is being processed. All wastewater from shrimp processing must be treated with the DAFT System prior to discharge to the sanitary sewer.
- M. The permittee shall maintain a logbook of shrimp processing operations. The logbook shall contain at a minimum; dates of when shrimp processing commences and ceases as well as maintenance activities of the DAFT System. The permittee shall submit copies of the logbook to the City of Eureka on a weekly basis during shrimp processing operations. Submittals from the preceding week shall be submitted to the City of Eureka on the following Monday.
- P. The sampling manhole must be kept clear and available for inspections and/or sampling at all times.
- Q. The permittee is required to develop and implement an accidental discharge/slug control plan which provides, at a minimum, the following:
  - 1. Description of discharge practices including non-routine batch discharges.
  - 2. Description of stored chemicals.

Does not  
include  
5-day  
written notification  
reqmt.

3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in the E.M.C.
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

## PART 2- DESCRIPTION OF OUTFALL(S)

- A. During the period of this permit, the permittee is authorized to discharge process wastewater to the City of Eureka sanitary sewer system from the outfall(s) listed below.

Outfall	Description
001	All process wastewater for this facility discharges through the sampling manhole located in the paved area near the southeast corner of the EDA building. This sampling manhole is equipped with a flow meter.

- B. Process wastewater for this facility is defined as the combination of boiler blow down, rinse and wash water discharged during the processing of fish, and crab, and treated effluent from shrimp processing.

## PART 3 –INSPECTION AND MONITORING REQUIREMENTS

- A. Inspections  
The City of Eureka shall perform inspections of the permitted business location, at the expense of the permittee. Inspections may be unannounced.

- B. Pretreatment Section Monitoring  
During the period of this permit the **City of Eureka** shall, at the expense of the permittee, monitor for the following parameters at the location indicated below. This Pretreatment Section monitoring may be unannounced.

Sample Parameter	Sample Location	Discharge Limit
Biochemical Oxygen Demand (BOD)	Outfall 001	No limit
Oil and Grease	Outfall 001	100 mg/L
pH	Outfall 001	5.0 to 12.5 std. units
Total Suspended Solids (TSS)	Outfall 001	No limit

- C. Self Monitoring  
The permittee is required to collect self monitoring samples upon verbal or written request from the City.
- D. Sample Handling and Preservation  
Sample collection shall be documented on proper chain of custody paperwork. Chain of custody forms are typically supplied by the state certified environmental laboratory of your



choice. All handling and preservation of collected samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in this permit.

**E. Sample Analysis**

All analyses required by this permit shall be performed by a California State Certified Environmental Laboratory at the expense of the permittee. The permittee shall obtain proper sampling containers, typically provided by the laboratory. The permittee shall also arrange to pay the analysis costs for any samples submitted to the laboratory from either the permittee or the City of Eureka.

**F. Frequency Definitions**

1. Annual: Once during the calendar year
2. Semi-Annual: Twice during the calendar year.  
The first event shall be between January 1 and June 30.  
The second event shall be between July 1 and December 31.  
The events shall be at least 30 days apart.
3. Quarterly: Four times during the calendar year.  
The first event shall be between January 1 and March 31.  
The second event shall be between April 1 and June 30.  
The third event shall be between July 1 and September 30.  
The fourth event shall be between October 1 and December 31.  
The events shall be at least 30 days apart.
4. Monthly: Twelve times during the calendar year. Once during each calendar month.

**PART 4 - REPORTING REQUIREMENTS**

**A. Self Monitoring Reports**

Self Monitoring reports shall be submitted no later than 30 days after the day the sample was collected. The report shall indicate the name and concentration of pollutants in the sample for the analyses performed. It is the responsibility of the permittee to notify the analytical laboratory to send copies of all analytical reports and chain of custody documents to the City of Eureka.

**B. Additional Monitoring**

If the permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be submitted to the City of Eureka.

**C. Spill (Accidental Discharge) Reporting**

Immediate notification allows the City of Eureka to take steps to protect its workers, the public, the wastewater treatment plant, and the environment during an accidental spill situation.

**1. When and How to Notify the City**

The permittee shall notify the City of Eureka Pretreatment Division immediately upon the occurrence of an accidental discharge (spill, slug load, or process upset) that may enter the public sewer. The Source Control Supervisor shall be notified by telephone at (707) 441-4362 between the hours of 8:00 am to 4:30 pm, Monday through Friday. At all other times, the Source Control Supervisor or Utilities Operations Manager shall be notified by contacting the City at (707) 441-4054.

2. Required Information

The notification shall include location, date, and time of discharge; type of waste; concentration and volume of waste; and any corrective actions that were taken. The permittee's notification of accidental releases to the City does not relieve it of other reporting requirements that arise under Local, State, or Federal laws.

3. Written Report

Within five working days following an accidental discharge, the permittee shall submit to the City of Eureka a detailed written report specifying the following information:

- a. Description of the cause of the accidental discharge; the location, date, and time of discharge; type of waste; concentration and volume of waste; any corrective actions that were taken; and whether the accidental discharge caused the permittee to be in non-compliance with this permit. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur. All steps taken or to be taken to reduce, eliminate, and/or prevent the recurrence of such an accidental discharge.

D. Bypass Notification

1. Bypass Definition

Bypass means the intentional diversion of waste streams from any portion of the permittees treatment facility. Bypass is prohibited, and the City may take enforcement action against the permittee for a bypass, unless;

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime, and the permittee submitted notices as required under of this section. (This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.)
- c. The permittee may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation, and the permittee submitted notice as required under this section.

2. When and How to Notify the City

a. Planned Bypass

If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the City of Eureka, at least ten days before the date of the bypass.

b. Unplanned Bypass

The permittee shall submit oral notice of an unanticipated bypass to the City of Eureka within 24 hours from the time the permittee becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the bypass.

3. Written Report

The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City of Eureka may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

E. Reporting Submittal.

1. All reports required by this permit must contain the following certification statement and be signed by an authorized representative of the industrial user.
  - a. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
2. Where the City of Eureka performs the required sampling and analysis in lieu of the permittee, the permittee is not required to submit the above compliance certification statement with the lab report.
3. All reports required by this permit shall be submitted to:

City of Eureka,  
Source Control Supervisor,  
4301 Hilfiker Ln.  
Eureka, CA 95503.

**PART 5 - RECORD KEEPING**

A. Retention of Records

1. The permittee shall retain at a minimum the following records:
  - a. This permit.
  - b. All correspondence which modifies or addends this permit.

- c. All records of monitoring, sampling, and pretreatment equipment maintenance.
    - d. Copies of all reports required by this permit.
    - e. Copies of all data used to complete the application for this permit.
  2. All records shall be retained for at least three years. This period may be extended by the City of Eureka at any time.
  3. All records that pertain to matters which are the subject of any enforcement or litigation activities brought by the City of Eureka shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- B. Sampling and analysis records shall include:
1. Chain of Custody  
The sample chain of custody shall include the sample date, time, location, sampling procedure, type of sample container, sample preservation, and name of person(s) who collected the sample.
  2. Analytical Report  
The analytical report shall include the name of the person or laboratory who performed the analyses, date of analysis, analytical methods used, the results of such analyses, and any applicable quality control information.
- C. Falsifying Information  
Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

#### **PART 6 - AUTOMATIC RE-SAMPLING**

- A. If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, and the permittee collected the sample. The permittee shall:
  1. Inform the City of the violation within 24 hours of receipt of analytical results.
  2. Repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 calendar days after becoming aware of the violation.
- B. If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, and the City of Eureka collected the sample. The permittee shall:
  1. Inform the City of the violation within 24 hours of receipt of analytical results.
  2. Repeat the sampling and analysis upon request from the City. The results of the repeat analysis shall be submitted to the City within 30 calendar days after the permittee has become aware of the violation.

#### **PART 7 – FEES**

- A. The City of Eureka assesses fees in accordance with Eureka Municipal Code, Title 5, Chapter 50, to recover the cost of administering the Pretreatment Program. Typical fees include but are not limited to:

1. Initial permit and pre-permit inspection fees.
2. Permit Renewal fees.
3. Administration of one Industrial User's Pretreatment Requirements, including inspections, sampling, and correspondence.

## **PART 8 – APPLICABLE PENALTIES**

### **A. Publication of Industrial Users in Significant Noncompliance**

Pursuant to section 50.122 of the EMC the City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users, which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

### **B. Administrative Fines**

Pursuant to section 50.123 F of the EMC the City of Eureka may assess administrative fines against the permittee. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the permittee. Fines may be imposed for violations of:

1. Chapter 50 of the EMC
2. Wastewater Discharge Permits and orders issued hereunder
3. Any pretreatment standard or requirement.

### **C. Civil Penalties**

1. If the permittee violates or continues to violate the EMC, any order issued hereunder, this wastewater discharge permit, or any other pretreatment standard or requirement the permittee shall be liable to the city for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
3. When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the city may assess a charge against the user for the cost of the work required to clean or repair the POTW and add such charge to the user's service charge.
4. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

### **D. Remedies Nonexclusive**

The provisions of the EMC are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's

enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

E. Criminal Penalties

1. If the permittee violates or continues to violate the EMC, any order, this wastewater discharge permit, or any other pretreatment standard or requirement the permittee shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.
2. If the permittee willfully or negligently introduces any substance into the POTW which causes personal injury or property damage the permittee shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
3. If the permittee knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter the permittee shall, upon conviction, be punished by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.
4. In the event of a second conviction, the permittee shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both.

**Attachment D-2**

**Pacific Choice Seafood October 2016, August 2017, and September  
2017 NOVs**



## CITY OF EUREKA PUBLIC WORKS DEPARTMENT

531 K Street • Eureka, California 95501-1146 • Fax 707-441-4202  
Administration: 707-441-4203 • Engineering: 707-441-4194  
Building: 707-441-4155 • Utility Operations: 707-441-4364  
[publicworks@ci.eureka.ca.gov](mailto:publicworks@ci.eureka.ca.gov) • [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

October 31, 2016

Pacific Choice Seafood  
1 Commercial Street  
Eureka, CA 95501

Dear Mr. John King,

### **RE: NOTICE OF VILATION/CORRECTIVE ACTION**

Enclosed is a Notice of Violation regarding Wastewater Discharge Permit #37. Please be advised that to avoid administrative penalties, Pacific Choice Seafood must fully comply with all terms stated in this Notice. Administrative, civil, and criminal penalties for violations of pretreatment standards and requirements are described in the Eureka Municipal Code (EMC), Title 5, Chapter 50.

The City of Eureka has been noticing considerable amounts of shrimp waste in our headworks. The screening process of our effluent is trapping large amounts of shrimp shells from the recent discharges of shrimp wastewater from Pacific Choice Seafood. During my inspection on October 31, 2016, I was shown the shrimp process/steam area where rollers remove the shell and head of shrimp, where most of the shrimp waste is generated. General Manager John King, explained to me that the sanitation night crew might be removing the baskets on the sanitary floor drains in that area during cleaning, and therefore shrimp waste may be discharging into the sanitary sewer. This is a violation of section 50.020 of the EMC, which states that no person shall introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference.

Pacific Choice shall submit to this office by 11/7/2016, a written response to this Notice which at a minimum addresses the following points:

1. The permittee shall attentively monitor and log all sanitation cleanings in the facility to verify all proper maintenance procedures are being performed.
2. The permittee shall implement a training system that incorporates acceptable sanitation methods and disposal of seafood waste. Records or logs of training sessions shall be documented.
3. At the permittee's expense, the permittee shall also replace defective baskets and screens on all the floor drains, to prevent accidental discharges of seafood waste into the sanitary sewer.

Your cooperation in resolving this matter is greatly appreciated. Please contact me at (707) 441-4011 if you have any questions or concerns regarding the Notice.

Sincerely,

Roxana Vargas  
Source Control Inspector

 **COPY**

**Engineering**  
Construction  
Development  
Transportation

**Field Operations**  
Water Distribution  
Wastewater Collection  
Equipment Operations

**Building**  
Construction Regulation  
Code Enforcement

**Utility Operations**  
Water and Wastewater Treatment  
Stormwater  
Pretreatment



**PACIFIC CHOICE SEAFOOD**  
**NOTICE OF VIOLATION**

**LEGAL AUTHORITY**

The following Findings are made and Order issued pursuant to the authority vested in the City of Eureka City Manager under the City of Eureka Municipal Code (EMC) Title 5, Chapter 50, Sewers. This Order is based on findings of violation of the conditions of the Wastewater Discharge Permit issued under Section 50.051 of the City's Municipal Code.

**FINDINGS**

1. The City of Eureka owns and operates a Publicly Owned Treatment Works which could be adversely impacted by discharges from Pacific Choice Seafood and other industrial users, and has implemented a pretreatment program to control such discharges.
2. Under this pretreatment program Pacific Choice Seafood was issued Wastewater Discharge Permit Number 37 on October 3, 2014 that contains prohibitions, restrictions, limitations and self-monitoring requirements related to the discharge of wastewater to the sanitary sewer.
3. Pursuant to the EMC and the above-referenced permit, data on the compliance status of Pacific Choice Seafood is collected by the City of Eureka.
4. This data shows that Pacific Choice Seafood has violated EMC Section 50.020(B), 50.055 and Wastewater Discharge Permit Number 37 in the following manner:
  - A. Shrimp waste was inadequately disposed of in the shrimp process area, and as a result was discharged into the sanitary sewer system.

**PACIFIC CHOICE SEAFOOD IS HEREBY NOTIFIED THAT:**

1. It is in violation of Wastewater Discharge Permit Number 37 and the Sewer Use Ordinance of the City of Eureka.
2. It is required to **notify this office in writing** within seven (7) working days of receipt of this Notice of the reason for the wastewater discharge violation, the action to be taken to correct the non-compliance violation, and the date the corrective action has been or will be implemented.
3. It is required to contact the City of Eureka within seven (7) working days of the corrective action implemented for item 4. A. (above) of the requirements outlined in the notification letter attached to this Notice.
4. Failure to respond within the time frames indicated will constitute a further violation of the Sewer Use Ordinance and may subject Pacific Choice Seafood to administrative fines in the amount of one thousand dollars (\$1000) per day per violation in accordance with section 50.123 (F) of the EMC.
5. This notice is effective upon receipt by Pacific Choice Seafood.
6. Correspondence regarding this notice shall be sent to:

**Roxana Vargas**  
**Source Control Inspector**  
**City of Eureka**  
**4301 Hilfiker Ln.**  
**Eureka, CA 95503**



**CITY OF EUREKA**  
**PUBLIC WORKS DEPARTMENT**

531 K Street • Eureka, California 95501-1146 • Fax 707-441-4202  
Administration: 707-441-4203 • Engineering: 707-441-4194  
Building: 707-441-4155 • Utility Operations: 707-441-4364  
[publicworks@ci.eureka.ca.gov](mailto:publicworks@ci.eureka.ca.gov) • [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

August 17, 2017

Mr. John King  
Pacific Choice Seafood  
1 Commercial Street  
Eureka, CA 95501

**RE: NOTICE OF VIOLATION/CORRECTIVE ACTION**

Dear Mr. King,

Enclosed is a Notice of Violation regarding Wastewater Discharge Permit #37. Please be advised that to avoid administrative penalties, Pacific Choice Seafood must fully comply with all terms stated in this Notice. Administrative, civil, and criminal penalties for violations of pretreatment standards and requirements are described in the Eureka Municipal Code (EMC), Title 5, Chapter 50.

On July 19, 2017 and again on August 8, 2017, City of Eureka collection system crews responded to high wetwell level alarms at the Commercial Street Lift Station. In both instances the alarms were the result of shrimp shells causing a blockage in the lift station pumping system.

During Source Control inspections on August 10, 2017 and August 11, 2017 inspectors were shown the area where shrimp are cooked, and shelled. This is where most of the shrimp waste is generated. General Manager John King, explained that the sanitation night crew might be removing the screens on floor drains within the bermed shrimp cooking/shelling area during cleaning, and therefore shrimp waste is discharged to the sanitary sewer. Inspectors also noticed that there was significant shrimp waste outside the bermed area. This is a violation of the EMC. In the future if City crews are required to respond to collection system malfunctions caused by the discharge from Pacific Choice Seafood, the City of Eureka will bill Pacific Choice Seafood for all costs it incurs to correct the malfunction.

On October 31, 2016, Pacific Choice Seafood was issued a Notice of Violation resulting from excessive amounts of shrimp shells entering its treatment plant headworks and impacting the plants screening system. In response, Pacific Choice Seafood listed four actions it would take in order to correct the excessive shrimp waste discharges. It's apparent that the listed programmatic measures did not correct the problem.

Your cooperation in resolving this matter is greatly appreciated. Please contact me at (707) 441-4362 if you have any questions or concerns regarding the Notice.

Sincerely,

  
Clay Yerby  
Source Control Supervisor

Cc:

Michael Hansen, Deputy Director of Public Works, Utilities Operations

**Engineering**  
Construction  
Development  
Transportation

**Field Operations**  
Water Distribution  
Wastewater Collection  
Equipment Operations

**Building**  
Construction Regulation  
Code Enforcement

**Utility Operations**  
Water and Wastewater Treatment  
Stormwater  
Pretreatment



**PACIFIC CHOICE SEAFOOD**  
**NOTICE OF VIOLATION**

**LEGAL AUTHORITY**

The following Findings are made and Order issued pursuant to the authority vested in the City of Eureka City Manager under the City of Eureka Municipal Code (EMC) Title 5, Chapter 50, Sewers. This Order is based on findings of violation of the conditions of the Wastewater Discharge Permit issued under Section 50.051 of the City's Municipal Code.

**FINDINGS**

- 1) The City of Eureka owns and operates a Publicly Owned Treatment Works which could be adversely impacted by discharges from Pacific Choice Seafood and other industrial users, and has implemented a pretreatment program to control such discharges.
- 2) Under this pretreatment program Pacific Choice Seafood was issued Wastewater Discharge Permit Number 37 on October 3, 2014 that contains prohibitions, restrictions, limitations and self-monitoring requirements related to the discharge of wastewater to the sanitary sewer.
- 3) Pursuant to the EMC and the above-referenced permit, data on the compliance status of Pacific Choice Seafood is collected by the City of Eureka.
- 4) This data shows that Pacific Choice Seafood has violated EMC Section 50.020(B), 50.055 and Wastewater Discharge Permit Number 37 in the following manner: Shrimp waste was inadequately disposed of in the Pacific Choice waste piping system and as a result was discharged into the sanitary sewer system which blocked the City's Commercial Street lift station.

**PACIFIC CHOICE SEAFOOD IS HEREBY NOTIFIED THAT:**

- 1) It is in violation of Wastewater Discharge Permit Number 37 and the Sewer Use Ordinance of the City of Eureka.
- 2) It is required to **notify this office in writing** within seven (7) working days of receipt of this Notice of the reason for the wastewater discharge violation and a written response to this Notice which at a minimum address the following points:
  - a. Additional engineering measures the permittee shall implement to eliminate the possibility of bypassing the existing screens.
  - b. Additional engineering measures to capture seafood waste solids from the waste discharge drains outside the shrimp shelling/cooking bermed area.
- 3) Failure to respond within the time frames indicated will constitute a further violation of the Sewer Use Ordinance and may subject Pacific Choice Seafood to administrative fines in the amount of one thousand dollars (\$1000) per day per violation in accordance with section 50.123 (F) of the EMC.

This notice is effective upon receipt by Pacific Choice Seafood.

Correspondence regarding this notice shall be sent to:

Source Control  
City of Eureka  
4301 Hilfiker Ln.  
Eureka, CA 95503

cert milgreen card in file



# CITY of EUREKA

## CITY OF EUREKA

### PUBLIC WORKS DEPARTMENT

531 K Street • Eureka, California 95501-1146 • Fax 707-441-4202

Administration: 707-441-4203 • Engineering: 707-441-4194

Building: 707-441-4155 • Utility Operations: 707-441-4364

[publicworks@ci.eureka.ca.gov](mailto:publicworks@ci.eureka.ca.gov) • [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

September 19, 2017

Mr. John King  
Pacific Choice Seafood  
1 Commercial Street  
Eureka, CA 95501

COPY

#### RE: NOTICE OF VIOLATION/CORRECTIVE ACTION

Dear Mr. King,

Enclosed is a Notice of Violation regarding Wastewater Discharge Permit #37. Please be advised that to avoid administrative penalties, Pacific Choice Seafood must fully comply with all terms stated in this Notice.

Administrative, civil, and criminal penalties for violations of pretreatment standards and requirements are described in the Eureka Municipal Code (EMC), Title 5, Chapter 50.

*changed and sent*

On August 18, 2017, a routine check and cleaning was performed <sup>at</sup> of the Commercial Street lift station. During this inspection, City of Eureka collection system crews identified and removed solid wastes not compatible with the sanitary sewer system. Some of these substances were identifying tags or labels that stated "undefined product" and disposable gloves. A follow-up inspection was performed to determine if these items may be originating at Pacific Choice Seafood. During the inspection, General Manager John King and staff showed Source Control personnel that the labels on their products did not match the labels present in the lift station at that time.

On September 12, 2017, another routine check and cleaning found more of the "undefined product" labels and gloves as well as label and identification tags that clearly identify as originating from Pacific Choice Seafood. This is a violation of the EMC and Wastewater Discharge Permit #37. (see enclosed photo)

A review of the conditions set forth in Wastewater Discharge Permit #37 determined that Pacific Choice Seafood has also failed to submit required weekly reports during periods of shrimp processing operations. This is also a violation of the EMC and Wastewater Discharge Permit #37.

Your cooperation in resolving this matter is greatly appreciated. Please contact me at (707) 441-4362 if you have any questions or concerns regarding the Notice.

Sincerely,

David Adams  
Source Control Inspector

Encl: Notice of Violation; photo of Pacific Choice Seafood identification tags from lift station

#### **Engineering**

Construction  
Development  
Transportation

#### **Field Operations**

Water Distribution  
Wastewater Collection  
Equipment Operations

#### **Building**

Construction Regulation  
Code Enforcement

#### **Utility Operations**

Water and Wastewater Treatment  
Stormwater  
Pretreatment

**PACIFIC CHOICE SEAFOOD**  
**NOTICE OF VIOLATION**

**LEGAL AUTHORITY**

The following Findings are made and Order issued pursuant to the authority vested in the City of Eureka City Manager under the City of Eureka Municipal Code (EMC) Title 5, Chapter 50, Sewers. This Order is based on findings of violation of the conditions of the Wastewater Discharge Permit issued under Section 50.051 of the City's Municipal Code.

**FINDINGS**

- 1) The City of Eureka owns and operates a Publicly Owned Treatment Works which could be adversely impacted by discharges from Pacific Choice Seafood and other industrial users, and has implemented a pretreatment program to control such discharges.
- 2) Under this pretreatment program Pacific Choice Seafood was issued Wastewater Discharge Permit Number 37 on October 3, 2014 that contains prohibitions, restrictions, limitations and self-monitoring requirements related to the discharge of wastewater to the sanitary sewer.
- 3) Pursuant to the EMC and the above-referenced permit, data on the compliance status of Pacific Choice Seafood is collected by the City of Eureka.
- 4) This data shows that Pacific Choice Seafood has violated EMC Section 50.020(B), 50.055 and Wastewater Discharge Permit Number 37 in the following manner: Solid waste greater than one inch in any dimension was improperly disposed of and/or bypassed pretreatment screening controls and entered the sanitary sewer. Required weekly reports from the shrimp processing logbook specified in Permit #37, Part 1, Section M, have not been received.

**PACIFIC CHOICE SEAFOOD IS HEREBY NOTIFIED THAT:**

- 1) It is in violation of Wastewater Discharge Permit Number 37 and the Sewer Use Ordinance of the City of Eureka.
- 2) It is required to **notify this office in writing** within seven (7) working days of receipt of this Notice of the reason for the wastewater discharge violation and a written response to this Notice which at a minimum address the following points:
  - a. Identification of the route of entry of the incompatible solid materials into the sewer system and additional engineering measures the permittee shall implement to eliminate the possibility of solid wastes of the nature listed above bypassing the existing screens.
  - b. Status of the shrimp processing operations logbook and steps taken to comply with the reporting requirements specified in Wastewater Discharge Permit #37.
- 3) Failure to respond within the time frames indicated will constitute a further violation of the Sewer Use Ordinance and may subject Pacific Choice Seafood to administrative fines in the amount of one thousand dollars (\$1000) per day per violation in accordance with section 50.123 (F) of the EMC.

This notice is effective upon receipt by Pacific Choice Seafood.

Correspondence regarding this notice shall be sent to:

Source Control  
City of Eureka  
4301 Hilfiker Ln.  
Eureka, CA 95503  
[sourcecontrol@ci.eureka.ca.gov](mailto:sourcecontrol@ci.eureka.ca.gov)

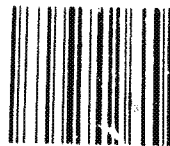


Commercial Street Lift Station 8-18-17



AVILA, DE HERRERA, AMELIA

PACIFIC  
GROUP  
EMPLOYEE



DICARLO SEAFOOD

XXE



1) 00027241120113 3202 005100 11 170829 (21) 100004872082

SAFESH

51.00 LBS

N/A  
FRES

N/A  
N/A

29 AUG 2017 (PRODUCED)  
01 2417 L

3-CUT "E" 6"  
4-5 POUNDS  
CONT'S 1

PACIFIC VOICE SFD EUREKA CA 95501

PRODUCT OF U.S. WILD

METZLER, JOHN

PACIFIC  
GROUP  
EMPLOYEE



**Attachment E**  
**Legal Authority Review Checklist**



**Attachment F**  
**City of Eureka SUO**



CITY OF EUREKA  
MUNICIPAL CODE  
CHAPTER 50 SEWERS

## CHAPTER 50: SEWERS

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## Sewers

### GENERAL PROVISIONS

#### § 50.001 PURPOSE AND POLICY.

(A) *Purpose.* This chapter sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the city. This chapter shall apply to all persons using the POTW. It provides for the setting of user charges and fees for the equitable distribution of costs to all users. Revenues derived from the application of the provisions of this chapter shall be used to defray the city's cost of operating and maintaining an adequate wastewater collection and treatment system and to provide sufficient funds for capital outlay, bond service costs, capital improvements depreciation and pretreatment. This chapter also enables the City to comply with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403).

(B) *Objectives.* The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(2) To prevent the introduction of pollutants into the POTW which may pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(6) To enable the City to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

('63 Code, § 5-5.101) (Ord. 571-C.S., passed 6-2-94)

#### § 50.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*ACT or THE ACT.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.*

(1) If the industrial user is a corporation, *AUTHORIZED REPRESENTATIVE* shall mean:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation;

(b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership, or sole proprietorship, an *AUTHORIZED REPRESENTATIVE* shall mean a general partner or proprietor, respectively;

(3) If the industrial user is a federal, state or local governmental facility, an *AUTHORIZED REPRESENTATIVE* shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility;

(4) The individuals described in subsections (1) through (3) of this definition may designate another *AUTHORIZED REPRESENTATIVE* if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

*BEST MANAGEMENT PRACTICES (BMP)*. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 50.020, 50.021, 50.022. of this chapter. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

*BIOCHEMICAL OXYGEN DEMAND (BOD)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20° centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

*BUILDING SEWER OR LATERAL*. A sewer conveying wastewater from the premises of a user to the POTW.

*CATEGORICAL PRETREATMENT STANDARD* or *CATEGORICAL STANDARD*. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*CITY*. The City of Eureka, California or the City Council of Eureka.



*CITY MANAGER* or *MANAGER*. The person designated by the city to manage the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

*CLARIFIER*. A device designed and installed so as to separate and retain deleterious hazardous or undesirable matter such as sand, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin from a waste stream and permit liquid waste to discharge to the POTW.

*COLOR*. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

*COMPOSITE SAMPLE*. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

*ENVIRONMENTAL PROTECTION AGENCY (EPA)*. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Quality Control Board or other duly authorized official of said agency.

*EXISTING SOURCE*. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*GRAB SAMPLE*. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

*GREASE HAULER*. A person, firm or business that collects the contents of a grease interceptor and transports it.

*GREASE INTERCEPTOR*. A plumbing appurtenance or appliance that intercepts fats, oil and grease from a wastewater discharge.

*INDIRECT DISCHARGE* or *DISCHARGE*. The introduction of source regulated under Section 307 (b), (c) or (d) of the Act.

*INDUSTRIAL USER* or *USER*. Any person who discharges or causes or permits the discharge of non-domestic wastewater into the POTW.

*INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT*. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*INTERFERENCE*. A discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes, use, or disposal; and therefore is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state

regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

*MEDICAL WASTE.* Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

*NEW SOURCE.*

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

*NONCONTACT COOLING WATER.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*NUISANCE.* Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable

number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal.

*PASS THROUGH.* A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

*PERSON.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

*pH.* A measure of the acidity or alkalinity of a substance, expressed in standard units.

*POLLUTANT.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

*PREMISES.* A parcel of real estate, including any improvements thereon, which is determined by the city to be a single user for the purpose of receiving, using and paying for services.

*PRETREATMENT.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*PRETREATMENT REQUIREMENTS.* Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

*PRETREATMENT STANDARDS or STANDARDS.* Prohibitive discharge standards, categorical pretreatment standards, and local limits.

*PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 50.020 of this chapter.

*PUBLICLY OWNED TREATMENT WORKS or POTW.* Any devices or storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the city's jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

*SEPTIC TANK WASTES.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*SEWAGE.* Human excrement and gray water (household showers, dishwashing operations, and the like).

*SIGNIFICANT INDUSTRIAL USER.* Applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gpd or more of process wastewater, contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant or, is designated as significant by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

*SLUG LOAD.* Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 50.020 of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

*STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE.* A classification pursuant to the "Standard Industrial Classification Manual" issued by the U.S. Office of Management and Budget.

*STORMWATER.* Any flow occurring during or following any form of natural precipitation including snowmelt.

*SUSPENDED SOLIDS.* The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

*TOXIC POLLUTANT.* One of 126 pollutants, or combination by the EPA under the provision of Section 307 (33 USC 1317) of this Act.

*TREATMENT PLANT EFFLUENT.* Any discharge of treated wastewater from the POTW into waters of the state.

*WASTEWATER.* Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

*WASTEWATER TREATMENT PLAN or TREATMENT PLANT.* The portion of the POTW designed to provide treatment of sewage and industrial waste.

('63 Code, § 5-5.103) (Ord. 571-C.S., passed 6-2-94)

#### § 50.003 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency  
gpd - Gallons per day  
l - liter  
mg - milligrams  
mg/l - milligrams per liter  
NPDES - National Pollutant Discharge Elimination System  
O&M - Operation and Maintenance  
POTW - Publicly Owned Treatment Works  
RCRA - Resource Cost and Recovery Act  
SIC - Standard Industrial Classifications  
SWDA - Solid Waste Disposal Act (42 USC 6901, et seq.)  
TSS - Total Suspended Solids  
USC - United States Code

('63 Code, § 5-5.104) (Ord. 571-C.S., passed 6-2-94)

#### § 50.004 VANDALISM.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment or other part of the POTW. Any person found in violation of this requirement shall be subject to the enforcement actions set out in this chapter.

('63 Code, § 5-5.306) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.005 CONFIDENTIAL INFORMATION.

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from city inspection and sampling activities, shall be available to the public unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user

furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information and will be available to the public without restriction.

('63 Code, § 5-5.801) (Ord. 571-C.S., passed 6-2-94)

#### § 50.006 CONFLICTING PROVISIONS.

(A) All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter, are hereby repealed to the extent of the inconsistency or conflict. ('63 Code, § 5-5.1503)

(B) In the event any provision of this chapter conflicts or is otherwise inconsistent with the latest edition of the Uniform Plumbing Code which has been or may be adopted by this code, the provisions of this chapter shall prevail. ('63 Code, § 5-5.1504)

(Ord. 571-C.S., passed 6-2-94)

#### § 50.007 SEVERABILITY.

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

(Ord. 571-C.S., passed 6-2-94)

### *GENERAL SEWER USE REGULATIONS*

#### § 50.020 PROHIBITED DISCHARGE STANDARDS.

(A) No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon a written application by the user and the payment of the applicable user charges and fees, the city issues a permit for such direct discharges.

(B) No person shall introduce or cause to be introduced into the POTW, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards

or any other national, state, or local pretreatment standards or requirement. Furthermore, no person may contribute the following substances to the POTW:

(1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-inch or 25.4 millimeters in any dimension.

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.

(5) Any wastewater having a temperature greater than 150° F (65.5° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through, but in no case shall the discharge exceed 25 mg/L.

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with § 50.039 of this chapter.

(9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

(11) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager, in compliance with applicable state or federal regulations.

(12) Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager.

(13) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(14) Any medical wastes, except as specifically authorized in writing by the City Manager in a wastewater discharge permit.

(15) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(16) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(17) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

(C) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

('63 Code, § 5-5.201) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.021 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

('63 Code, § 5-5.202) (Ord. 571-C.S., passed 6-2-94)

#### § 50.022 SPECIFIC POLLUTANT LIMITATIONS.

(A) The City Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

(B) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

0.113 mg/l    arsenic

0.119 mg/l    benzene

0.044 mg/l    cadmium

0.023 mg/l    chloroform

0.692 mg/l    copper

0.796 mg/l    cyanide

0.009 mg/l    1,1 dichloroethane



0.062 mg/l	1,2 dichlorobenzene
0.021 mg/l	1,3 dichlorobenzene
0.081 mg/l	1,4 dichlorobenzene
0.070 mg/l	ethylbenzene
3.915 mg/l	lead
0.009 mg/l	mercury
0.049 mg/l	methylene chloride
0.574 mg/l	nickel
0.146 mg/l	silver
0.376 mg/l	toluene
1.438 mg/l	total chromium
0.392 mg/l	total phenols
0.520 mg/l	total xylenes (total xylenes is defined as the sum of ortho, para, and meta xylenes)
0.678 mg/l	zinc

(C) Concentrations apply at the point where the waste is discharged to the POTW. All concentrations for metallic substances are for “total” metal, unless indicated otherwise. At his discretion, the City Manager may impose mass limitations in addition to or in place of the concentration based limitations above.

(D) The City Manager may develop Best Management Practices (BMP), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of sections 50.020, and 50.021 of this chapter.

('63 Code, § 5-5.203) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.023 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives and/or the general and specific prohibitions established in this chapter.

('63 Code, § 5-5.204) (Ord. 571-C.S, passed 6-2-94)

#### § 50.024 SPECIAL AGREEMENT.

The city reserves the right to enter into special written agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

('63 Code, § 5-5.205) (Ord. 571-C.S., passed 6-2-94)

#### § 50.025 DILUTION.

No industrial user or wastewater hauler shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

('63 Code, § 5-5.206) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

### PRETREATMENT OF WASTEWATERS

#### § 50.035 PRETREATMENT FACILITIES.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the state, or the City Manager, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the city for review, and must be approved by the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this chapter.

('63 Code, § 5-5.301) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

§ 50.036 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the City Manager may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(B) Each person discharging into the POTW greater than 100,000 gallons per day may be required to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a 24-hour period.

(C) Clarifiers shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of wastewater containing excessive amounts of, petroleum oil, non-biodegradable cutting oil, products of mineral oil origin or sand; except that such clarifiers shall not be required for residential users. All clarifiers shall be of type and capacity approved by the City Manager and shall be so located to be easily accessible for cleaning and inspection. Such clarifiers shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his sole expense.

(D) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(E) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20% of the lower explosive limit (LEL) of the meter.

(F) Grease interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of wastewater containing excessive amounts of fats oils and grease that may cause or contribute to lateral or sanitary sewer overflows; except that such grease interceptors shall not be required for residential users. All grease interceptors shall be of type and capacity approved by the City Manager and shall be so located to be easily accessible for cleaning and inspection. Grease interceptors shall be installed in accordance with the provisions of this chapter. Such grease interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his sole expense.

(1) Users that are required to have a grease interceptor may be required to connect the following fixtures to the grease interceptor, if they are present.

- (a) Pot sinks or similar devices, including all compartments of a three compartment sink;
- (b) Pre-rinse sinks or similar devices;
- (c) Prep sinks or similar devices;
- (d) Soup kettles or similar devices;
- (e) Wok stations or similar devices;
- (f) Drains in areas where floor mats are washed;

(g) Any other fixtures or drains that have a reasonable potential to allow fats, oils and grease to be discharged to the POTW.

(2) Users with food waste disposal units shall connect the unit to a grease interceptor with a minimum capacity of 1000 gallons or remove the unit.

(3) Users with dishwashers and mop sinks shall connect them directly to the POTW or to a grease interceptor with a minimum capacity of 750 gallons.

(4) Accumulated grease and sediment shall be removed as necessary to prevent lateral or sanitary sewer overflows. At a minimum single chamber grease interceptors shall be cleaned in accordance with the manufacturer's specifications, or when the combined depth of sediment and grease equals or exceeds 25% of the total depth of the sediment, water, and grease. Multiple chamber grease interceptors shall be cleaned in accordance with the manufacturer's specifications, or when the combined depth of sediment and grease in the final chamber equals or exceeds 25% of the total depth of the sediment, water, and grease in that chamber, or when the combined depth of sediment and grease in any chamber equals or exceeds 50% of the total depth of the sediment, water, and grease in that chamber.

(5) Grease interceptors shall be kept free of non-food waste including, but not limited to grit, rocks, gravel, eating utensils, cigarettes, trash, towels, and rags.

(6) The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction in the grease interceptor is prohibited.

(7) If the City Manager determines that a grease interceptor is not being adequately maintained, a correction notice may be issued requiring the deficiency be corrected within seven, fourteen, or thirty days. Maintenance programs including BMP's and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.

('63 Code, § 5-5.302) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.037 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

The City Manager may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

(A) Description of discharge practices including non-routine batch discharges.

(B) Description of stored chemicals.

(C) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 50.020 of this chapter.

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(E) Procedures for immediately notifying the POTW of any changes affecting the potential for a slug discharge.

('63 Code, § 5-5.303) (Ord. 571-C.S., passed 6-2-94)

#### § 50.038 TENANT RESPONSIBILITY.

Where an owner of property lets premises to any other person as a tenant, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. This provision is enforceable against either the owner, or the tenant or both, without regard to any contractual arrangements as between the owner and tenant.

('63 Code, § 5-5.304) (Ord. 571-C.S., passed 6-2-94)

#### § 50.039 HAULED WASTEWATER.

(A) Septic tank waste of residential origin may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager, provided such wastes do not violate the provisions of this chapter or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by and at the discretion of the City Manager, based on the interests and purposes to be served under this chapter.

(B) The discharge of hauled industrial wastes is prohibited without prior approval and a wastewater discharge permit from the city.

(C) Fees for dumping septage will be established as part of the industrial user fee system as authorized in this chapter.

('63 Code, § 5-5.305) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.040 GREASE HAULER PERMIT REQUIREMENTS

Any person collecting, pumping or hauling waste kitchen grease generated at businesses located within the City of Eureka shall apply for and obtain a "grease hauler permit" from the City before engaging in that activity. The City Manager shall approve, deny, or approve with special conditions all applications for grease hauler permit. It shall be unlawful for any grease hauler to operate within the City limits without a current grease hauler permit.

#### § 50.041 GREASE HAULER PERMIT APPLICATION

(A) *Contents.* All grease haulers required to have a grease hauler permit must submit a completed permit application. Incomplete or inaccurate applications will not be processed and will be returned to the grease hauler for revision.

(B) *Application signatories and certification.* All grease hauler permit applications and grease hauler reports must contain the certification statement, described in Section 50.052 (B) of this chapter, and be signed by an authorized representative of the grease hauler.

(C) The City Manager will evaluate the data furnished by the grease hauler and may require additional information. Within 45 days of receipt of a complete grease hauler permit application, the City Manager will determine whether or not to issue a grease hauler permit. If no determination is made within this time period, the application will be deemed denied. The City Manager may deny any application for a grease hauler permit based on insufficient information or information indicating a risk to the City's POTW might result from the activity as proposed.

#### § 50.042 GREASE HAULER PERMIT REISSUANCE

(A) Grease hauler permits shall be valid for a period of two (2) years and will expire two years from the date of issuance.

(B) A grease hauler shall apply for permit renewal by submitting a complete grease hauler permit application in accordance with §50.040 of this chapter a minimum of 45 days prior to the expiration of the grease waste hauler's existing grease hauler permit.

#### § 50.043 GREASE HAULER PERMIT CONTENTS

Grease hauler permits shall include such conditions as are reasonably deemed necessary by the City Manager to ensure that the collection of waste kitchen grease within the City limits is being conducted in accordance with applicable federal state and local laws. At a minimum, the grease hauler permits shall contain the following conditions:

(A) A statement that indicates grease hauler permit issuance and expiration date.

(B) Reporting, notification and record keeping requirements.

#### § 50.044 GREASE HAULER PERMIT APPEALS.

Any grease hauler, may petition the City to reconsider the terms of, or the denial of a grease hauler permit within ten days of its denial or issuance subject to the following conditions:

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the grease hauler permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the grease hauler permit.

(C) The effectiveness of the grease hauler permit shall not be stayed pending the appeal process.

(D) If the City fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(E) If the ruling made by the City Manager is unsatisfactory to the person requesting reconsideration, they may, within ten days after notification of such city action, file a written appeal to the Eureka City Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Eureka City Council shall make a final ruling on the appeal within ten days after the close of the hearing on the appeal.

#### § 50.045 GREASE HAULER PERMIT MODIFICATION

(A) The City Manager may modify any grease hauler permit at any time, based on good cause, which shall include, but is not limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) For a violation of any terms or conditions of the grease hauler permit;

(3) For misrepresentations or failure to fully disclose all relevant facts in the grease hauler permit application or in any required reporting.

(4) To correct typographical or other errors in the grease hauler permit;

(B) The filing of a request by the permittee for a grease hauler permit modification does not stay any grease hauler permit condition.

#### § 50.046 REVOCATION OF PERMIT.

(A) Grease hauler permits may be revoked for the following reasons:

(1) Misrepresentation or failure to fully disclose all relevant facts in the grease hauler permit application;

(2) Falsifying reports;

- (3) Failure to pay fines;
- (4) Failure to meet compliance schedules;
- (5) Failure to complete a grease hauler survey or the grease hauler permit application.
- (6) Failure to provide advance notice of the transfer of a permitted facility;
- (7) Violation of any pretreatment standard or requirement, or any terms of the grease hauler permit or this ordinance.

(B) Grease hauler permits are nontransferable, and shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All grease hauler permits are void upon the issuance of a new grease hauler permit.

## *WASTEWATER DISCHARGE PERMIT*

### § 50.050 WASTEWATER SURVEY.

When requested by the City Manager, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter, or for imposing penalties as set out in section 50.999 below.

('63 Code, § 5-5.401) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

### § 50.051 WASTEWATER DISCHARGE PERMIT REQUIREMENTS.

#### (A) *Requirement.*

(1) It shall be unlawful for any significant industrial user to discharge wastewater into the city's POTW without first obtaining a wastewater discharge permit from the City Manager. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the enforcement actions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(2) The City Manager may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

('63 Code, § 5-5.402)



(B) *Existing connections.* Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 45 days after said date, apply to the city for a wastewater discharge permit in accordance with § 50.052(A) of this chapter, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the city. ('63 Code, § 5-5.403)

(C) *New connections.* Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin. ('63 Code, § 5-5.404)

(D) *Extra jurisdictional industrial users.* The City may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user. ('63 Code, § 5-5.405)

(Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.052 WASTEWATER DISCHARGE PERMIT APPLICATION.

(A) *Contents.* All industrial users required to have a wastewater discharge permit must submit a completed wastewater discharge permit application. The City Manager shall approve a form to be used as a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision. ('63 Code, § 5-5.406)

(B) *Application signatories and certification.* All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(C) *Misleading, incomplete or false information.* Any application submitted with information that is at any time determined to be materially misleading, incomplete or false may result in termination of the permit, disconnection of service, penalties under this chapter, as well as any other remedies provided by law.

('63 Code, § 5-5.407)

(Ord. 571-C.S., passed 6-2-94)

#### § 50.053 WASTEWATER DISCHARGE PERMIT DECISIONS.

The City Manager will evaluate the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, the City Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City Manager may deny any application for a wastewater discharge permit.

('63 Code, § 5-5.408) (Ord. 571-C.S., passed 7-2-94)

#### § 50.054 DURATION OF PERMIT; REISSUANCE.

(A) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, at the discretion of the City Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire. ('63 Code, § 5-5.501)

(B) A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with § 50.051(A) of this chapter a minimum of 45 days prior to the expiration of the industrial user's existing wastewater discharge permit. ('63 Code, § 5-5.507)

(Ord. 571-C.S., passed 6-2-94)

#### § 50.055 PERMIT CONTENTS.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(A) Wastewater discharge permits shall contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits including Best Management Practices applicable to the user based on applicable standards in federal, state, and local law.

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, or local law.

(5) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(6) Requirements to control Slug Discharges, if determined by the POTW to be necessary.

(B) Wastewater discharge permits may contain, but need not be limited to the following:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Limits on instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(9) Other conditions as deemed appropriate by the City Manager to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

('63 Code, § 5-5.502) (Ord. 571-C.S., passed 6-2-94)

#### § 50.056 APPEALS.

Any person, including the industrial user, may petition the city to reconsider the terms of a wastewater discharge permit within ten days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal process.

(D) If the city fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(E) If the ruling made by the City Manager is unsatisfactory to the person requesting reconsideration, they may, within ten days after notification of such city action, file a written appeal to the Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within ten days after the close of the meeting.

('63 Code, § 5-5.503) (Ord. 571-C.S., passed 6-2-94)

#### § 50.057 PERMIT MODIFICATION

(A) The City Manager may modify the wastewater discharge permit with good cause including, but limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) To address information indicating that permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(5) For a violation of any terms or conditions of the wastewater discharge permit;

(6) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application nor in any required reporting;

(7) To address revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

(B) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

('63 Code, § 5-5.504) (Ord. 571-C.S., passed 6-2-94)

#### §50.058 TRANSFER OF PERMIT.

(A) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 30 days advance notice to the City Manager and the City Manager approves in writing to the wastewater discharge permit transfer. The notice to the City Manager must include a written certification by the new owner and/or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(2) Identifies the specific date on which the transfer is to occur.

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(B) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

('63 Code, § 5-5.505) (Ord. 571-C.S., passed 6-2-94)

#### § 50.059 REVOCATION OF PERMIT.

(A) Wastewater discharge permits may be revoked for the following reasons:

(1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide notification to the city of changed condition pursuant to § 50.074 of this chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the city timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

- (8) Failure to pay fines;
  - (9) Failure to pay sewer charges;
  - (10) Failure to meet compliance schedules;
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
  - (12) Failure to provide advance notice of the transfer of a permitted facility;
  - (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.
- (B) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

('63 Code, § 5-5.506) (Ord. 571-C.S., passed 6-2-94)

## *REPORTING REQUIREMENTS*

### § 50.070 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determined under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in division (B) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in division (B) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section including:

(1) *Identifying information.* The name and address of the facility including the name of the operator and owners.

(2) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of pollutants.*

(a) Identify the categorical pretreatment standards applicable to each regulated process.

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in § 50.080 of this chapter. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the User shall submit documentation as required by the City Manager.

(c) Sampling must be performed in accordance with procedures set out in § 50.079(A) of this chapter.

(6) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirement.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out § 50.052(A)(14) of this chapter.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with § 50.052(B) of this chapter.

('63 Code, § 5-5.601) (Ord. 571-C.S., passed 6-2-94)

#### § 50.071 COMPLIANCE SCHEDULE PROGRESS REPORT.

The following conditions shall apply to the schedule required by § 50.070 of this chapter. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City Manager no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the

industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City Manager.

('63 Code, § 5-5.602) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.072 REPORT ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in § 50.070(B)(4) - (6) of this chapter. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 50.052(B) of this chapter.

('63 Code, § 5-5.603) (Ord. 571-C.S., passed 6-2-94)

#### § 50.073 PERIODIC COMPLIANCE REPORTS.

(A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City Manager, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution preventative alternative, the user must submit documentation required by the City Manager or the Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with § 50.052(B) of this chapter.

(B) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(C) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedure prescribed in § 50.079(A) of this chapter, the results of this monitoring shall be included in the report.

('63 Code, § 5-5.604) (Ord. 571-C.S., passed 6-2-94)



#### § 50.074 REPORTS OF CHANGED CONDITIONS.

Each industrial user is required to notify the City Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.

(A) The City Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(B) No industrial user shall implement the planned changed conditions until and unless the City Manager has responded to the industrial user's notice.

(C) For purposes of this requirement, flow increases of 10% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

('63 Code, § 5-5.605) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.075 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge including, but not limited to, accidental discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(B) Within five days following such discharge, the industrial user shall, unless waived by the City Manager, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(C) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this chapter.

(D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division (A) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(E) Significant Industrial Users are required to notify the City Manager immediately of any changes that would affect the Users potential for a slug discharge.

('63 Code, § 5-5.606) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.076 REPORTS FROM NONSIGNIFICANT INDUSTRIAL USERS.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the City Manager may require.

('63 Code, § 5-5.607) (Ord. 571-C.S., passed 6-2-94)

#### § 50.077 NOTICE OF VIOLATION; REPEAT SAMPLING AND REPORTING.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

('63 Code, § 5-5.608) (Ord. 571-C.S., passed 6-2-94)

#### § 50.078 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the names of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent information is known and readily available to the industrial users an identification of the hazardous constituents contained in the wastes, an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 30 days after the discharge commences. Any notification under this division (A) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under § 50.074 of this chapter. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of §§ 50.070, 50.072 and 50.073 of this chapter.

(B) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(C) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(D) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State Law.

('63 Code, § 5-5.609) (Ord. 571-C.S., passed 6-2-94)

#### § 50.079 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

('63 Code, § 5-5.610) (Ord. 571-C.S., passed 6-2-94)

#### § 50.080 SAMPLE COLLECTION; DETERMINATION OF NONCOMPLIANCE.

##### (A) *Sample collection.*

(1) Except as indicated in subsection (2) of this division (A), the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 50.070 and 50.071 of this chapter a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Manager may authorize a lower minimum. For the reports required by Section 50.073 the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

('63 Code, § 5-5.611)

(B) *Determination of noncompliance.* The City Manager may use a grab samples to determine noncompliance with pretreatment standards. ('63 Code, § 5-5.612)

(Ord. 571-C.S., passed 6-2-94)

#### § 50.081 RECORD KEEPING.

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter, including documentation associated with Best Management Practices. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the City Manager.

('63 Code, § 5-5.613) (Ord. 571-C.S., passed 6-2-94)

### CONNECTIONS TO POTW

#### § 50.090 PERMITS REQUIRED.

(A) No person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the POTW or appurtenance thereof without first obtaining a permit from the Building Official in accordance with the provisions of the Uniform Plumbing Code adopted by § 150.023. ('63 Code, § 5-5.1601)

(B) All excavations for building sewers in public streets and easements shall require a permit from the city pursuant to the provisions of §§ 98.15 - 98.20 of this code, in addition to the permit required by the provisions of this chapter. ('63 Code, § 5-5.1602)

(Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.091 CONNECTION FEES AND INSTALLATION CHARGES.

(A) *Connection fees.* Any person, prior to connecting a building sewer to the POTW, shall be required to pay a connection charge in addition to any other charges and fees required by the provisions of the Uniform Plumbing Code and this chapter. The connection charge for such parcels shall be \$2,000 for each separate and individual connection.

(B) *Installation charge.*

(1) Installations of building sewers shall be made by the city from the sewer main to the property line by appropriate methods at the expense of the applicant.

(2) An applicant for a new sewer installation shall advance a sum to the city based upon an estimate by the City Manager of the total cost of all labor, materials, equipment, and other costs incidental to the installation, plus 20% for general overhead, for the installation of the building sewer from the sewer main to the property line.

(3) In lieu of the advance required by the provisions of this section, the City Manager may require applicants for new sewer installation to make such sewer installation at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for the installation shall be furnished by the applicant.

('63 Code, § 5-5.1603) (Ord. 571-C.S., passed 6-2-94) Penalty, see § 50.999

#### § 50.092 MAINTENANCE OF BUILDING SEWERS.

All users shall keep, operate, and maintain their building sewer connections, including that portion thereof within a public right-of-way, in good order and condition and free of roots, grease, sand, and other nonstructural related obstructions and shall be liable for damages which may result from their failure to do so. Upon the final acceptance by the city of the work of the installation of that portion of the building sewer within the public right-of-way, the city shall assume the responsibility for the repair or replacement of said portion of the building sewer which is necessitated or caused by any subsequent structural failure, except to the extent that the failure is the result of latent defects or misrepresented work or conditions upon acceptance. The city shall have the sole authority to determine whether an obstruction in a building sewer is the result of structural or nonstructural cause. The city shall be admitted at all reasonable hours to all parts of any premises connected with the sewerage system for the purpose of checking the fixtures and the establishment of service charges as provided in this chapter.

('63 Code, § 5-5.1604) (Ord. 571-C.S., passed 6-2-94)

#### § 50.093 MAIN EXTENSIONS.

##### (A) *Extensions required.*

(1) An applicant for a permit to connect a premises to the POTW where the property upon which such premises is situated does not abut the POTW, shall deposit with the city the following sums: in the case of all applications for a new sewer main extension, a sum shall be advanced to the city based upon an estimate by the City Manager of the total costs of all labor, materials, equipment, and other costs incidental to the main extension, plus 20% for general overhead, but excluding the cost of over-sizing sewer mains for the general benefit of the sewer collection system, but in no event shall the charge be less than \$500.

(2) In lieu of the advance required by the provisions of this division (A), the City Manager may require applicants for new sewer connections to make such sewer connections at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for such connections shall be furnished by the applicants.

(3) In cases where a property is connected to the POTW indirectly via connection to another property's lateral ("cross-connected sewer lateral"), the City Manager may order the owner of the property to go through the process set out in part one above and complete the installation of a separate connection. This process shall be required when, in the professional opinion of the City Manager and his public works professionals, a modern direct connection is necessary to prevent backups, overflows, update decayed or vulnerable lateral lines, or presents any other threat to the health and safety of the immediately adjacent properties, neighborhood, or POTW.

('63 Code, § 5-5.1701)

(B) *Extensions by the applicant.* In lieu of the advances required by the provisions of division (A) of this section, the City Manager may require applicants for new sewer connections to make such sewer main extensions at their own expense in accordance with such standards as have been or may be adopted by resolution of the Council. In such instances, all labor, materials, equipment, and other items necessary for the extension shall be furnished by the applicant. Any extra costs incurred by the applicant in any over-sizing of sewer mains required by the City Manager for the general benefit of the sewer collection system may be reimbursed by the city in accordance with a written agreement with the applicant entered into prior to the construction of such main extension. ('63 Code, § 5-5.1702)

(C) *Low-pressure sewer manifold agreements.* The Director of Public Works, where it is determined the installation of low-pressure sewer manifold system is necessary to provide sewer service to a specific area, shall establish a reimbursement agreement to provide for the design and installation of said system. The reimbursement agreement shall require a surcharge be assessed to each parcel connecting to the manifold system. The surcharge shall consist of an equal portion of the estimated costs to design and install the total system main extension. The surcharge shall be based on a review and agreement prepared by the Director of Public Works prior to the installation of the system. Services (laterals) off the main will be at each parcel owner's expense. ('63 Code, § 5-5.1703)

(Ord. 571-C.S., passed 6-2-94)

## *RATES AND CHARGES*

### § 50.105 WASTEWATER VOLUME DETERMINATION.

(A) *Metered water supply.* User charges which are based on wastewater volumes shall be applied against the total amount of water used from all sources unless, in the opinion of the city, significant portions of water received are not discharged to the POTW. The total amount of water used from public and private sources shall be determined by means of public meters or private meters installed and maintained at the expense of the user and approved by the city. ('63 Code, § 5-5.1401)

(B) *Metered wastewater volume and metered diversions.* For users where, in the opinion of the city, a significant portion of the water received from any metered source does not discharge to the POTW because of the principal activity of the user or removal by other means, the user charges and fees may be applied against the volume of water discharged from such premises into the POTW.

Written notification and proof of the diversion of water shall be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the city and at the user's expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Manager. ('63 Code, § 5-5.1402)

(C) *Estimated wastewater volume.*

(1) For users where, in the opinion of the city, it is unnecessary or impractical to install meters, the user charges and fees may be based upon a volume estimate prepared by the user and approved by the city. Such estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinants of water use necessary to estimate the wastewater volume discharged.

(2) For users who, in the opinion of the city, divert a significant portion of their flow from the POTW, the user charges and fees may be based upon a volume estimate prepared by the user and approved by the city. The estimate shall include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

('63 Code, § 5-5.1403)

(Ord. 571-C.S., passed 6-2-94)

## § 50.106 PRETREATMENT CHARGES AND FEES.

The Council may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications.

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.

(C) Fees for reviewing and responding to accidental discharge procedures and construction.

(D) Fees for filing appeals.

(E) Other fees as the city may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

('63 Code, § 5-5.1501) (Ord. 571-C.S., passed 6-2-94)

## § 50.107 WASTEWATER USER CHARGES.

(A) *Classification of users.* All users shall be classified by assigning each one to a “user classification” category according to the principal activity conducted on the user's premises and based on the typical wastewater constituents and characteristics for that type of user as determined by the city. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control and to establish recovery of the city costs. ('63 Code, § 5-5.1801)

(B) *User charges.* A schedule of wastewater charges and fees shall be adopted from time to time by ordinance of the City Council. ('63 Code, § 5-5.1802)

(C) *Compliance with state regulations.* The charges and fees shall be established at a level which will enable the city to comply with any revenue requirements of the State Clean Water Grant Program, and the charges and fees shall be determined in a manner consistent with regulations of the grant program. ('63 Code, § 5-5.1803)

(D) *Special situations.* Notwithstanding any other provision of this chapter, the Council shall have the power to establish by ordinance, or by agreement with the user, the service connection charge and the monthly sewer service charges applicable to any public corporation, political subdivision, city, county, district, the state, the United States, or any department or agency thereof, or to any user outside the city limits at rates different from those set forth in this chapter. ('63 Code, § 5-5.1804)

(Ord. 571-C.S., passed 6-2-94)

## § 50.108 BILLING; PERSONS RESPONSIBLE FOR PAYMENT.

(A) *Billing.*

(1) All sewer service charges shall become due and payable to the city as of the date of billing. All sewer service charges shall become delinquent 30 days from and after the date of billing. All bills delinquent 30 days or more shall be subject to a 1% per month finance charge.

(2) All bills for such charges shall be issued by the Director of Finance. They shall be combined with bills or statements for water services where the premises in question are connected to the water system. The bills shall state their purpose (water and sewer services) and shall list separately the charge for water service and the charge for sewer service and the total charge for both services. Neither charge may be paid separately from the other. If the real property with sewer service is not connected to the water system, a separate bill shall be rendered for sewer service only. All bills shall be for monthly or bimonthly periods. The Director of Finance shall have the power to require any user to pay bills monthly if, in his discretion, monthly payments are required for the protection of the city.

('63 Code, § 5-5.1805)

(B) *Persons responsible for payment.* All sewer service charges shall be billed to the following persons:



(1) In the case of any person whose premises are connected with the water system, to the person who requested such connection to the water system, or his successor in interest, or to any person requesting that such bill be charged to him; or,

(2) In the case of any person whose premises are not connected to the water system, then to the person who requested such connection to the sewage works, or his successor in interest, or, if no such request was made, then to the owner of such premises on the date on which such premises are required by the provisions of this chapter to connect to the sewage works, or to the successor in interest to such person, or to any person requesting that such bill be charged to him.

('63 Code, § 5-5.1806)

(Ord. 571-C.S., passed 6-2-94)

#### § 50.109 PENALTY FOR NONPAYMENT.

If an invoice for the sewer use charge established by this chapter is unpaid 60 days after mailing, a penalty of 10% per month shall be charged, and an additional 0.5% shall be charged until the charges and penalties are paid in full.

('63 Code, § 5-5.1807) (Ord. 571-C.S., passed 6-2-94)

#### § 50.110 PROPERTY LIENS FOR DELINQUENCIES.

At least every six months, the Director of Finance shall record with the county a list of all delinquent charges and the penalties thereon and shall include in each such list the amount of each charge and the penalty thereon, a description of the real property upon which the same is a lien, and the name of the city. Such list when so recorded shall have the force, effect, and priority of a judgment lien and continue for three years after the time of recording unless sooner released or otherwise discharged.

('63 Code, § 5-5.1808) (Ord. 571-C.S., passed 6-2-94)

### *ADMINISTRATION AND ENFORCEMENT*

#### § 50.120 DUTIES OF CITY MANAGER.

Except as otherwise provided in this chapter, the City Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other city personnel.

('63 Code, § 5-5.102) (Ord. 571-C.S., passed 6-2-94)

§ 50.121 COMPLIANCE MONITORING.

(A) *Inspection and sampling.* The City Manager shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangement with its security guards so that, upon presentation of suitable identification, personnel for the city, state, and EPA shall be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(2) The city, state, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The city may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. The monitoring equipment should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that the facility will not be obstructed by landscaping or parked vehicles. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the City Manager and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

(5) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this chapter.

(6) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the city, unless a time extension is otherwise granted by the city.

('63 Code, § 5-5.701)

(B) *Search warrants.* If the City Manager has been refused access to a building, structure, or property or any part thereof, and if the City Manager has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Attorney may apply to the appropriate court for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may

be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. ('63 Code, § 5-5.702)

(Ord. 571-C.S., passed 6-2-94)

#### § 50.122 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation which the city determines will adversely affect the operation or implementation of the local pretreatment program.

('63 Code, § 5-5.901) (Ord. 571-C.S., passed 6-2-94; Am. Ord. 681-C.S., passed 7-6-04)

§ 50.123 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) *Notification of violation.* Whenever the City Manager finds that any person has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon said person a written notice of violation. Within seven days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the City Manager. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(B) *Consent Orders.* The City Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Person responsible for noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections § 50.123 (D) and § 50.123 (E) of this ordinance and shall be judicially enforceable.

(C) *Show Cause Hearing.* The City Manager may order a Person which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the Person as defined in Section 50.002 and required by Section § 50.052 (B). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Person.

(D) *Compliance Orders.* When the city finds that a person has violated or continues to violate this chapter, wastewater discharge permits or order issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the person responsible for the discharge directing that the person come into compliance within 30 days. If the person does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(E) *Cease and desist orders.*

(1) When the City Manager finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the City Manager may issue an order to the person directing it to cease and desist all such violations and directing the person to:

- (a) Immediately comply with all requirements;

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(2) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(F) *Administrative fine.*

(1) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(2) Assessments may be added to the person's next scheduled sewer service charge and the City Manager shall have such other collection remedies as may be available for other service charges and fees.

(3) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 0.5% per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(4) Persons desiring to dispute such fines must file a written request for the City Manager to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City Manager shall convene a hearing on the matter within 30 days of receiving the request from the industrial person. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial person. The city may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(5) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the person.

(G) *Emergency suspensions.*

(1) The City Manager may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a person's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately comply voluntarily with the suspension order, the City Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager shall allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the city that the

period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the person.

(b) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager, prior to the date of any show cause or termination hearing as set forth in this chapter.

(2) Nothing in this division (E) shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(H) *Termination of discharge.*

(1) In addition to those provisions in § 50.059 of this chapter, any person that violates the following conditions of this chapter, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;

(e) Violation of the pretreatment standards in §§ 50.020 through 50.025 of this chapter.

(2) Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (C) of this section why the proposed action should not be taken.

('63 Code, §§ 5-5.1001 - 5-5.1006) (Ord. 571-C.S., passed 6-2-94)

§ 50.124 JUDICIAL ENFORCEMENT REMEDIES.

(A) *Injunctive relief.* Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the city may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation. ('63 Code, § 5-5.1101)

(B) *Civil penalties.*

(1) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the city may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person.

('63 Code, § 5-5.1102)

(Ord. 571-C.S., passed 6-2-94)

#### § 50.125 SUPPLEMENTAL ENFORCEMENT ACTION.

(A) *Water supply severance.* Whenever a person has violated or continues to violate the provisions of this chapter, orders, or wastewater discharge permits issued in this chapter, water service to the person may be severed. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply. ('63 Code, § 5-5.1201)

(B) *Public nuisances.* Any violation of this chapter, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of applicable state and city codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the city of any costs incurred in removing, abating or remedying said nuisance.

('63 Code, § 5-5.1202) (Ord. 571-C.S., passed 6-2-94)

#### § 50.126 REMEDIES NON-EXCLUSIVE.

The provisions in §§ 50.122 through 50.125 of this chapter are not exclusive remedies. The City reserves the right to take any, all or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

('63 Code, § 5-5.1104) (Ord. 571-C.S., passed 6-2-94)

§ 50.127 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) *Upset.*

(1) For the purposes of this section, *UPSET* means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (3) of this division (A) are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An upset occurred and the industrial user can identify the cause(s) of the upset;
- (b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (c) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
  - 1. A description of the indirect discharge and cause of noncompliance.
  - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
  - 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.



('63 Code, § 5-5.1301)

(B) *Bypass.*

(1) (a) *BYPASS* shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(b) *SEVERE PROPERTY DAMAGE* shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) of this division (B).

(3) (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) (a) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

3. The industrial user submitted notices as required under subsection (3) of this division (B).

(b) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (4)(a) of division (B).

('63 Code, § 5-5.1302) (Ord. 571-C.S., passed 6-2-94)

§ 50.999 PENALTY.

(A) Any person that willfully or negligently violates any provision of this chapter, any orders, or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(B) Any person that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(C) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(D) In the event of a second conviction, a person shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both.

('63 Code, § 5-5.1103) (Ord. 571-C.S., passed 6-2-94)

**Attachment G**  
**City of Eureka ERP**

**City of Eureka**  
**Pretreatment Program**  
**Enforcement Response Plan**  
**September 1998**  
**Revised: April 2004, July 2005, January 2015**

1.0 Introduction

1.1 Purpose

The purpose of this Enforcement Response Plan is to set forth detailed procedures for the City of Eureka to follow when investigating and responding to instances of noncompliance by industrial users of the City's Publicly Owned Treatment Works (POTW).

The Enforcement Response Plan:

- 1.1.1 describes how the City will investigate instances of non-compliance by industrial users (IU);
- 1.1.2 describes the types of escalating enforcement responses the City will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- 1.1.3 identifies by title the officials responsible for each type of response;
- 1.1.4 reflects the City's primary responsibility to enforce all applicable pretreatment standards and requirements.

1.2 Administration of the Enforcement Response Plan

The Enforcement Response Plan is administered by the Source Control Supervisor, under the supervision of the Utilities Operations Manager. The Source Control Supervisor, in administering the Enforcement Response Plan, shall maintain complete and accurate records of enforcement activities carried out pursuant to this plan. The Source Control Supervisor shall render periodic reports regarding these activities to the Utilities Operations Manager at a frequency and in such detail as determined by the Utilities Operations Manager.

1.3 Definitions

All definitions listed in Eureka Municipal Code (EMC), Title 5, Chapter 50 are incorporated in this document. The following definitions are also included for clarification:

Administrative Fine (AF) - Monetary penalty assessed by the City Manager against an industrial user, in accordance with Section 50.123(F) of the Eureka Municipal Code.

**Administrative Order (AO)** – An enforcement document that directs industrial users to undertake or cease specified activities. The four common types of Administrative Orders are Consent Orders, Compliance Orders, Show Cause Orders, and Cease and Desist Orders.

**Categorical Industries** - Those industries defined by The Environmental Protection Agency in the Code of Federal Regulations 40 CFR, Parts 400 through 499.

**Cease and Desist Orders** - A Cease and Desist Order directs a non-compliant user to cease illegal unauthorized discharges immediately or to terminate its discharge altogether.

**Civil Action** - Civil litigation against the IU seeking injunctive relief, monetary penalties and actual damages in accordance with Eureka Municipal Code Section 50.124(B).

**Compliance Orders** - Directs the industrial or commercial user to achieve or restore compliance by a date specified in the Order in accordance with Eureka Municipal Code Section 50.124(D). Usually issued when non-compliance cannot be resolved without construction, repair, or process changes. Compliance Orders typically include provisions for increased monitoring for a specific period of time.

**Consent Orders** - An agreement between the City and the industrial user normally containing these three elements: compliance schedules, stipulated fines or remedial actions, and signatures of City and industry representatives.

**Correction Notice** – A notice requiring Users with grease interceptors to correct a deficiency within 7, 14, or 30 days. Correction Notices typically require grease interceptors to be cleaned or minor plumbing deficiencies to be corrected and are typically issued during site inspections.

**Criminal Action** - Criminal action taken against an industrial user in which the City seeks punitive measures against the industrial user in accordance with Eureka Municipal Code Section 50.999.

**Eureka Municipal Code (EMC)** - Specifically, Title 5, Chapter 50, Sewers

**Harm** - Interference, pass through, or harm to the environment.

**Milestone** - An activity required to be completed by a specified date.

**Notice of Violation (NOV)** - An official notice issued by the City which informs a non-compliant user that a pretreatment violation has occurred and requires a response from the user within a certain time period.

**Show Cause Hearing (SC)** - Directs industrial or commercial user to appear before the City Manager, explain its non-compliance, and show cause why more severe enforcement against the user should not go forward.

**Terminate Service (Termination)** - Suspension or termination of service by revocation/termination of the IU's Permit in accordance with EMC Section 50.123(H).

**Warning Notice of Violation (Warning NOV)** - A verbal or written communication between the Source Control Supervisor and the industrial user regarding possible enforcement action for potential or actual noncompliance by the industrial user. The Source Control Supervisor must document the warning in writing and place a copy of the documentation in the user's file.

2.0 Collection and Dissemination of Information

- 2.1 The Source Control Supervisor shall specify reporting requirements for each industrial user in its Sewer Use (Wastewater Discharge) permit and shall then track the submission of such reports. If information submitted is deficient or late, the industrial user shall first be issued a warning NOV requiring completion of the submission.
- 2.2 All reports submitted to the Source Control Supervisor and all information resulting from Pretreatment Section monitoring activities shall be retained by the Source Control Supervisor for at least three years.
- 2.3 The Source Control Supervisor shall notify significant industrial users of applicable pretreatment standards. The Source Control Supervisor will provide feedback to users on compliance status by reporting the results of Pretreatment Section sampling and analysis to industrial users.

3.0 Sampling and Inspection of Industrial Users

- 3.1 The Source Control Supervisor shall prepare and continually update an inspection plan for field investigations, including sample collection and facility inspections. Field investigations shall be used to verify compliance status, to monitor industrial user self-monitoring activities, to collect samples, to initiate enforcement or remedial action, and to gather additional information. Pretreatment staff may conduct monitoring in response to violations, technical problems, or support for permit modifications. Routine wastewater sampling shall be conducted for each significant industrial user. The Source Control Supervisor will assure that the results of each inspection are documented and notify industrial users of any deficiencies found during any inspection.
- 3.2 The Source Control Supervisor shall advise the North Coast Regional Water Quality Control Board (NCRWQCB) of its routine and special field investigation activities each year through annual pretreatment program reports.

4.0 Enforcement Management System for Violation of Applicable Pretreatment Standards

4.1 Compliance Investigation

Using all available information, the Source Control Supervisor shall assess compliance with schedules, reporting requirements, and applicable pretreatment standards. Such investigations shall be undertaken as information is received and at least annually for complete compliance. Reviews completed under this section are designed to identify apparent violations.

During the compliance investigation process, the Source Control Supervisor shall verify that all required reports were submitted on schedule, cover the proper time period, include all information required in the particular report, and were properly signed. As part of this process, the Source Control Supervisor will compare the information supplied with the requirements in the industrial user's permit. Discrepancies between the information provided, and information required, may be considered to be a violation of the Sewer Use (Wastewater Discharge) permit. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon their discovery.

#### 4.2 Enforcement Evaluation

Violations and discrepancies identified during the compliance investigation process will be reviewed by the Source Control Supervisor to evaluate the type of enforcement response required. Any proposed enforcement action other than a Correction Notice, Warning Notice of Violation, or Notice of Violation will be reviewed by the Utilities Operations Manager prior to issuance.

The Source Control Supervisor will set deadlines for industrial users to respond to notices of violation. If contacts and commitments are verbal, they will be confirmed in writing to preserve the record.

#### 4.3 Enforcement Response Guide

##### 4.3.1 Objectives of the Enforcement Response Guide are as follows:

1. To ensure that noncompliant industrial users return to compliance as quickly as possible;
2. To penalize industrial users for violations of pretreatment standards and requirements;
3. To deter future noncompliance by industrial users; and
4. To recover any additional expenses incurred by the City due to the noncompliance.

##### 4.3.2 Levels of Response

The City has three general levels of response to noncompliance by an industrial user. These responses range from a warning (Level 1) to criminal prosecution (Level 3). Each level of response has a range of responses. The official(s) responsible for initiating and implementing the enforcement actions must choose from at least one of the responses from the level or response required by the Enforcement Response Guide. As an example, if the Enforcement Response Guide requires a Level 1 response for an Industrial user's noncompliance, the Source Control Supervisor must issue a warning or NOV to the industrial user. The range of responses increases in severity for Level 2 and Level 3 enforcement actions.

###### Level 1:

- Administrative enforcement actions only
- Initiated by the Source Control Supervisor
- Implemented by the Source Control Supervisor.
- Range of responses: Correction Notice, Warning NOV, NOV
- Time frame for response: Within fifteen (15) working days of becoming aware of the noncompliance by the industrial user

###### Level 2:

- Combination of administrative and civil enforcement actions
- Initiated by the Source Control Supervisor or City Manager
- Implemented by the City Manager
- Range of responses: Administrative Order, Administrative Fine, Show Cause Order, Civil Action
- Time frame for response: Within thirty (30) calendar days of the original enforcement action or the date of noncompliance.

Level 3:

- Combination of civil and criminal enforcement actions
- Initiated by the City Manager
- Implemented by the City Attorney
- Range of responses: Show Cause Order, Civil Action, Criminal Prosecution, Termination of Permit, Termination of Service
- Time frame for response: As soon as practical

4.3.3 Discharge Limit Violation

Noncompliance	Nature of Violation	Response Level
Exceeded applicable Pretreatment Standard	Isolated, not significant	1
	Isolated, significant, no harm	1,2
	Isolated, with harm	2
	Recurring, no harm	1,2
	Recurring, harm	2,3

4.3.4 Unauthorized Discharge (No permit)

Noncompliance	Nature of Violation	Response Level
Unpermitted discharge	IU unaware of requirement, no harm	1
	IU unaware of requirement, with harm	1,2
	Failure to apply, even after notice by POTW	2,3
Nonpermitted discharge (failure to renew)	IU has not submitted application within 90 days of due date	1

4.3.5 Other Permit Violations

Noncompliance	Nature of Violation	Response Level
Waste streams are diluted in lieu of treatment	Initial Violation	1,2
	Recurring	2,3
Failure to mitigate noncompliance or halt production	No harm	2
	Harm results	3
Failure to properly operate and maintain pretreatment facilities	Initial, No harm	1
	Recurring, No harm	1,2
	Harm results	2
	NPDES Permit Violation Results	2,3



4.3.6 Monitoring and Reporting Violations

Noncompliance	Nature of Violation	Response Level
Reporting Violation	Report is improperly signed or certified	1
	Report is 1-5 days late, isolated, not significant	1
	Report is 6-30 days late, significant	1,2
	Reports are frequently late or no reports at all	2
	Failure to report spill or changed condition causing harm	2
	Repeated failure to report spills causing harm or NPDES permit violation	2,3
	Falsification	3
Failure to monitor correctly	Failure to monitor all pollutants as required by permit	1
	Recurring failure to monitor	1,2
Improper sampling	Evidence of intent	2,3

4.3.7 Monitoring and Reporting Violations (continued)

Noncompliance	Nature of Violation	Response Level
Failure to install monitoring equipment	Delay of less than 30 days	1
	Delay of greater than 30 days	2
	Disregard of CO	2,3
Compliance Schedules	Missed milestone by less than 30 days, will not affect final date	1
	Missed milestone by greater than 30 days and/or will affect final date, good cause for delay	1
	Missed milestone by greater than 30 days and/or will affect final date, no good cause for delay	2
	Disregard of compliance schedule	2,3

4.3.8 Violations Detected During Site Visits

Noncompliance	Nature of Violation	Response Level
Entry Denied	Entry denied or consent withdrawn. Copies of records denied.	2,3
Illegal discharge	No harm	1,2
	Discharge causes harm, evidence of intent or negligence, NPDES permit violation	2,3
Improper sampling	Unintentional sampling at incorrect location	1
	Unintentionally using incorrect sample type	1
	Unintentionally using incorrect collection technique	1
Inadequate record keeping	Inspector finds file incomplete or missing (no evidence of intent)	1
	Recurring	1,2
Failure to report	Inspector finds additional monitoring, additional files, or data	1
	Recurring	1,2
Failure to maintain grease interceptor	Interceptor exceeds 25/50 percent limit.	1
	Recurring	1,2
	Harm results	2,3
Plumbing deficiency	Inspector finds kitchen fixtures not in accordance with ordinance.	1
	Deficiency not corrected within allowable timeframe	1,2

4.3.9 Time Frames for Responses

In addition to the time frames for response listed in section 4.3.3 above, the following time frames apply:

1. All noncompliance will be identified and documented by the Source Control Supervisor within fifteen (15) working days after receiving compliance information.
2. Any noncompliance which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons or which results or may result in harm will receive immediate responses.

3. Any noncompliance meeting the criteria for significant noncompliance in section 4.4 below will be addressed with an AO within thirty (30) working days of the determination of significant noncompliance (significant noncompliance will be calculated in conformance with applicable pretreatment standards).

#### 4.4 Significant Noncompliance

After completion of the compliance screening, violations for significant industrial users will be characterized and a determination made as to whether the user is in Significant Noncompliance. Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, other violations or patterns of violations are significant and must be identified as such. Such significant noncompliance may be on an individual or long-term basis of occurrence. Categorization of industrial users as being in significant noncompliance allows the City to establish priorities for enforcement action and provides a means for reporting on the industrial user performance summary. Instances of significant noncompliance are industrial user violations, which meet one or more of the following criteria:

- 4.4.1 Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollution parameter.
- 4.4.2 Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) or more of the wastewater measurements taken for each pollutant during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC. (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH.)
- 4.4.3 Any other discharge violation that the City Manager believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of City personnel or the general public.
- 4.4.4 Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City Manager's exercise of his Enforcement Response Guidance authority to halt or prevent such a discharge.
- 4.4.5 Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a consent order, compliance order, or Sewer Use Permit for starting construction, completing construction, or attaining final compliance, unless due to good and valid cause.
- 4.4.6 Failure to provide, within thirty (30) days after the due date, any reports required by Chapter 50, Sections 50.070 through 50.081 of the Eureka Municipal Code or orders or permits issued under the Eureka Municipal Code, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- 4.4.7 Failure to accurately report noncompliance.
- 4.4.8 Any other violations that the City Manager determines will adversely affect the operation or implementation of the local pretreatment program.

4.5 Actions to be Taken When a Significant Industrial User is in Significant Noncompliance

- 4.5.1 Report such information to the NCRWQCB and California EPA as part of the annual Pretreatment Program report.
- 4.5.2 List the significant noncompliant industrial user in the newspaper with the largest circulation in Eureka as stated in Section 50.122 of the Eureka Municipal Code.
- 4.5.3 Address the significant noncompliance through appropriate enforcement actions described in section 4.3 above.

## **Attachment H**

### **City Response to the 2015 Pretreatment Compliance Inspection**



**CITY OF EUREKA**  
**PUBLIC WORKS DEPARTMENT**

531 K Street • Eureka, California 95501-1146 • Fax 707-441-4202  
Administration: 707-441-4203 • Engineering: 707-441-4194  
Building: 707-441-4155 • Utility Operations: 707-441-4364  
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## **Response To Requirements and Recommendations For PCI Summary Report 2015**

### **11.1 Requirements**

1. The City is required to follow their Enforcement Response Plan (ERP) when addressing instances of non-compliance with City permits and pretreatment standards by industrial users. Enforcement for violations of industrial user permits and City pretreatment standards must be escalated consistent with the City's ERP. The City did not escalate enforcement consistent with their ERP for Mission Linen and Pacific Choice Seafood Company in response to recurring local limits violations resulting in SNC status for these industrial users over multiple years. (Section 10 - Enforcement)

An Administrative Compliance Order was issued in March 2016 for Mission Linen's chronic violations of Total Petroleum Hydrocarbons. This specified a timeline by which certain milestones should have been met for the design and installation of additional pretreatment measures to address the ongoing TPH violations. All work was stated to be performed completely by September 1, 2016. Mission Linen's response was to try testing the discharge after isolating or removing various materials from their wash stream. They stated they thought that compliance could be achieved by processing shop towels and industrial terry at another of their facilities. The milestones were never met and the Compliance Order never fully followed up on. A single sample was taken by the Pretreatment Division on October 14, 2016. The result for TPH was 26 mg/L which is just above the local limit of 25 mg/L. Although language in the Pretreatment requirements state "exceed (by any magnitude) a numeric Pretreatment Standard or Requirement", it was conveyed to Mission Linen that they were in compliance and no further action was taken by either the City or Mission Linen in 2016. They went back to normal operations. Samples taken for Zinc, TPH, and Oil & Grease on April 19, 2017 and May 18, 2017 again exceeded the local limits. Notices of Violation were issued again that made reference to the 2016 Compliance Order. After follow up conversations and meetings, Mission Linen is now on a compliance schedule to install a new Cavitation Air Flotation system for the purpose of achieving compliance with the local limits. The commissioning of the new system is scheduled for Dec. 1, 2017, although this date may be extended a bit.

Pacific Choice was in compliance in 2014. They were sampled only once in late 2015 and were also in compliance. Pacific Choice was not sampled in 2016. Pacific Choice was sampled in April of 2017 and was in compliance. Significant Industrial Users are supposed to be sampled at least twice a year. In 2018, care will be taken to sample twice including one event that coincides with shrimp processing operations.

**Engineering**  
Construction  
Development  
Transportation

**Field Operations**  
Water Distribution  
Wastewater Collection  
Equipment Operations

**Building**  
Construction Regulation  
Code Enforcement

**Utility Operations**  
Water and Wastewater Treatment  
Stormwater  
Pretreatment

- 2 The City is required to annually publish notices identifying all industrial users in Significant Non-Compliance (SNC) during the previous 12 months in accordance with 40 CFR, part 403.8(f)(2)(vii). The City typically publishes SNC notices in December for the SNC status in the prior year (e.g., 2013 SNC status published on December 18, 2014). With this timing, the City is not reporting SNC status for the previous 12 months. The City must adjust their annual SNC publication procedure to cover the SNC status for the previous 12 months. (Section 3.1.1 – Significant Non-Compliance & Section 10 - Enforcement)

Mission Linen was published March 5, 2016 for the 2015 SNC status, an improvement from previous years. Only one sampling event was performed by the Pretreatment Division in 2016. As stated above, it was conveyed to Mission Linen that they were in compliance though the result was slightly above the local limit. They have not been published for SNC for this result. All future SNC violators will be published in January of the following year. For example, Mission Linen qualifies for 2017 so they will be published in January 2018.

- 3 As required at 40 CFR 403.8(f)(1)(iii)(B)(1), permits must be limited to 5 year terms. All of the industrial user (IU) permits issued by the City are issued for 5 year terms and, contain a provision that they remain effective if the City fails to renew them before expiration. The City cannot extend an SIU permit beyond a 5-year term. The City is required to revise their IU permits to ensure they are in no case effective for longer than a 5-year term. (Section 7.1 – Permit Extensions)

Permits are still being issued for five year terms. This may be revisited in the future but currently is thought of as the most efficient use of our time and resources. The language that they remain effective after the date has been removed from all new and renewed permits. Pretreatment will exercise all due diligence in alerting permittees with expiring permits well in advance of the expiration date.

## 11.2 Recommendations

1. The City should continue to implement a pharmaceutical take back program. Pharmaceutical waste in effluent can have a detrimental effect on the environmental health of receiving waters. Pharmaceutical take back events have proven to be a simple and effective way of reducing this harmful effect on the environment. Successful take back programs have been implemented in California's San Francisco Bay Area by the BAPPG, and can be considered model systems. (Section 3.1.2 - Pharmaceutical Recovery)

The Pretreatment Division is currently not involved in the pharmaceutical take back program, although if someone inquired through us, we would direct them appropriately. The City website does have a link to the joint venture take back events brought by Humboldt Waste Management Authority, the Open Door Community Health Centers, and multiple municipal agencies including the City of Eureka.

2. It is recommended that the City continue to develop a dental amalgam reduction program. The existing City program should be revised and implemented consistent with the final dental effluent guidelines that are developed once the current Dental Amalgam rule making is adopted by U.S. EPA. (Section 3.1.3 - Dental Mercury)

The Pretreatment Division is continuing to develop a dental amalgam reduction program. The final rule went into effect July 14, 2017. It states that dentists who install or remove amalgam must utilize an appropriately sized amalgam separator and keep documentation of inspections, maintenance, and disposal of the intercepted amalgam. It also states that the POTW is the oversight agency. A One-Time Compliance Report for Dental Discharges will be sent to all

dentists that operate in the City. This will help determine which Dentists are potential amalgam dischargers that require separators and therefore inspections and possibly permits from the pretreatment program.

3. It is recommended that City follow up with Mission Linen and Pacific Choice Seafood Company to ensure that they properly stores and disposes of hazardous wastes and that such wastes are being removed in a timely manner. If required, these industrial users should be formally referred to the proper waste management authority. (Section 9.3 - Nondomestic Discharger Site Inspection Conducted During the Inspection)

The Pretreatment Division has not pursued this matter in 2017. When I get a chance, I will schedule a formal inspection for each of the SIU's and storage and disposal of hazardous waste will be included in the inspections. Roxanna inspected Pacific Choice Seafood Company October 19, 2016 and made a note on the inspection sheet that "\*\*chemicals stored in secondary containment & properly labelled." Roxanna inspected Mission Linen Supply on December 9, 2016. She made reference to the hazardous waste and sludge being picked up last on August 31, 2016. She noted that the records were well kept. Chemicals were observed to be in double containment excepting a chemical drum of Sodium Hydroxide. No follow-up has been indicated to this date.